United Nations A/HRC/33/24

General Assembly

Distr.: General
19 July 2016

Original: English

Human Rights Council
Thirty-third
Agenda items 2 and 3
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Follow-up on the application of the technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal mortality and morbidity*

Report of the Office of the United Nations High Commissioner for Human Rights

Summary

The present follow-up report provides details of various initiatives related to the implementation of the technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal mortality and morbidity. Information was received from Member States, United Nations agencies, civil society actors and other relevant stakeholders. The emphasis of the report is on activities where there is explicit attention given to the technical guidance. The report also offers initial recommendations towards its usage in assuring compliance with human rights obligations in implementing the 2030 Agenda for Sustainable Development.

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GE.16-12435(E)

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I. Introduction

1. The technical guidance on the application of a human rights-based approach to the implementation of policies and programmes for the reduction of preventable maternal mortality and morbidity (A/HRC/21/22 and Corr.1 and 2), requested by the Human Rights Council in resolution 18/2, was presented to the Council in September 2012. Following a first report on implementation (A/HRC/27/20) in September 2014, the Council, in resolution 27/11, urged all States to take action at all levels, utilizing a comprehensive human rights-based approach, to address the interlinked root causes of maternal mortality and morbidity and to consider the recommendations contained in the report. It further requested the High Commissioner to prepare a follow-up report on how the technical guidance has been applied by States and other relevant actors. The present report is submitted in accordance with that request.

2. The present report provides details of various activities and initiatives related to the implementation of the technical guidance. A note verbale was circulated on 11 December 2015 requesting submissions[1] and further information was obtained from relevant stakeholders via interviews, reports and correspondence. The emphasis has been placed on activities where explicit attention is given to the implementation of the technical guidance. Further examples referring more broadly to a rights-based approach have also been used for illustrative purposes.

3. In 2014, technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age was presented to the Council, and its implementation was also urged by the Council. Some of the activities detailed in the present report also drew from that important document. A separate report on implementation of that technical guidance document is also before the Council at the thirty-third session (A/HRC/33/23).

4. The second part of the present report is devoted to how the guidance can be utilized in the implementation of the 2030 Agenda for Sustainable Development. Women's human rights, including their sexual and reproductive health and rights, are a key aspect of the 2030 Agenda. As countries develop strategies and plans to implement the 2030 Agenda, the technical guidance is a tool for assuring compliance with human rights obligations. The present report offers initial recommendations on such usage of the technical guidance.

II. Dissemination and promotion activities

5. Since June 2014, efforts to ensure wide dissemination of the technical guidance have continued. At the global level, numerous publications and other documents have referred to the technical guidance.[2] Its dissemination has also been achieved through presentations or

[1] For the full list of submissions, see www.ohchr.org/EN/Issues/Women/WRGS/Pages/FollowUpReport.aspx.

[2] See WHO, "Ensuring human rights in the provision of contraceptive information and services" (2014); UNFPA, "From commitment to action on sexual and reproductive health and rights" (2014); WHO, "Strengthening the inclusion of reproductive, maternal, newborn and child health in concept notes to the Global Fund" (2014); WHO, statement on the prevention and elimination of disrespect and abuse during facility-based childbirth (2014); Alicia Ely Yamin, *Power, Suffering, and the Struggle for Dignity: Human Rights Frameworks for Health and Why They Matter* (University of Pennsylvania Press, 2015).

other promotion activities at a variety of global conferences[3] and meetings at the national level, as indicated in the submissions from the Netherlands and the Information Group on Reproductive Choice (GIRE) in Mexico. The technical guidance has also been discussed and promoted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and human rights mechanisms as part of advocacy related to the 2030 Agenda.[4]

6. In September 2015, the Secretary-General issued his updated Global Strategy for Women's, Children's and Adolescents' Health (2016-2030), which accompanies the 2030 Agenda in order "to end preventable deaths among all women, children and adolescents, to greatly improve their health and well-being and to bring about the transformative change needed to shape a more prosperous and sustainable future".[5] Explicitly rooted in human rights law and anchored in respect for gender equality, the Global Strategy draws from the principles explained through the technical guidance. Roll-out of the Global Strategy over the next 15 years, together with implementation of the 2030 Agenda, is one of the most significant opportunities for further implementation of the technical guidance, as explained in the latter half of the present report. The Global Strategy established the Independent Accountability Panel, which is mandated to monitor commitments under the Global Strategy and contribute to reviewing progress on the Sustainable Development Goals at the high-level political forum on sustainable development. The Panel will play an important role in ensuring the implementation of the Global Strategy and alignment of the Sustainable Development Goals with human rights obligations.

7. Efforts have also been made to translate the technical guidance into more accessible language and for specific stakeholder groups.[6] For example, OHCHR, together with the United Nations Population Fund (UNFPA), the World Health Organization (WHO), the Partnership for Maternal, Newborn and Child Health (PMNCH) and the François-Xavier Bagnoud Center for Health and Human Rights of Harvard University, has developed practical guidance for health policymakers, national human rights institutions and health workers (with a further document forthcoming for the judiciary) on key considerations in applying a rights-based approach to sexual, reproductive, maternal, newborn and under-5 child health. Recognizing that everyone has a role to play in applying a rights-based approach and building on the technical guidance documents of the Council, the guidance aims to articulate in more detail the types of issues that should be considered, depending on where stakeholders are situated.

8. Important campaigns have also been launched, which support many of the principles outlined in the technical guidance, such as the global Respectful Maternal Care campaign, led by the White Ribbon Alliance, and the Campaign for the Decriminalization of Abortion in Africa, launched by the African Commission on Human and People's Rights.

9. Lastly, human rights treaty bodies have integrated the technical guidance as a tool of review and analysis. The Committee on Economic, Social and Cultural Rights adopted its general comment No. 22 (2016) on the right to sexual and reproductive health, which draws on the technical guidance, in particular in relation to ensuring the availability of medical and professional personnel and skilled providers trained to perform the full range of sexual

[3] For example, it was presented at the Women Deliver Conference (2016) and the Global Maternal Newborn Health Conference, Mexico (2015), and promoted at the World Humanitarian Summit, Istanbul (2016).

[4] See, e.g., joint statement on the 2030 Agenda. Available at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16490&LangID=E.

[5] Available from www.everywomaneverychild.org/global-strategy-2.

[6] See, e.g., submissions by Finland, the Center for Reproductive Rights, the International Initiative on Maternal Mortality and Human Rights and the International Pregnancy Advisory Services (IPAS).

and reproductive health-care services. The Committee has also taken up the technical guidance in its recommendations to State parties to the International Covenant on Economic, Social and Cultural Rights, including on the Gambia (E/C.12/GMB/CO/1, para. 27), Nepal (E/C.12/NPL/CO/3, para. 26), Paraguay (E/C.12/PRY/CO/4, para. 29) and Tajikistan (E/C.12/TJK/CO/2-3, para. 31).

10. The Committee on the Elimination of Discrimination against Women has incorporated the technical guidance into its concluding observations on the Bolivarian Republic of Venezuela (CEDAW/C/VEN/CO/7-8, para. 31). The Committee on the Rights of the Child has referred to it in its conclusions on Colombia (CRC/C/COL/CO/4-5, para. 40 (c)), the Dominican Republic (CRC/C/DOM/CO/3-5, para. 52 (b)), Eritrea (CRC/C/ERI/CO/4, para. 56 (g)), the United Republic of Tanzania (CRC/C/TZA/CO/3-5, para. 59 (f)) and the Bolivarian Republic of Venezuela (CRC/C/VEN/CO/3-5, para. 57 (c)).

III. Utilization of the technical guidance

A. National-level multi-stakeholder processes

11. Following the Council's call to apply the technical guidance, OHCHR has been working with partners in selected countries to facilitate multi-stakeholder processes on sexual, reproductive, maternal and child health. That work has built on a regional workshop held in Malawi in November 2013, where national stakeholders from Malawi, South Africa, Uganda and the United Republic of Tanzania came together to build a common understanding about rights-based approaches and identify opportunities to apply the technical guidance at the national level.

12. Human rights assessments have since been undertaken and multi-stakeholder dialogues convened to discuss the assessments in Uganda (in 2014), Malawi (in 2015) and the United Republic of Tanzania (in 2016). In Zambia, a multi-stakeholder dialogue was convened in 2015. Those dialogues have triggered practical actions to support the application of rights-based approaches. The three processes profiled below provide an overview of how such initiatives may start or deepen discussions on some of the major challenges at the national level.[7] Critically, the entry point provided by the utilization of the technical guidance built upon pre-existing initiatives related to health and human rights in all three countries.

13. A key outcome of these processes, as reported by relevant stakeholders in interviews, was a strengthened or newly built multi-stakeholder process on the application of a human rights-based approach to sexual, reproductive, maternal and child health. Crucially, actors outside the health sector were involved in planning and implementation in this area and health-sector actors developed enhanced understanding about human rights and their significance to health-related processes.

14. It was also emphasized that the processes had enhanced public and multisectoral participation in planning, strengthened accountability and pushed stakeholders to look beyond a purely biomedical approach in order to address inequalities and root causes of impediments to sexual, reproductive, maternal and child health.

15. In Malawi, the human rights assessment, led by the Ministry of Health, OHCHR, UNFPA, WHO, the United Nations Children's Fund (UNICEF) and the United Nations

[7] The United Republic of Tanzania is not profiled here because the dialogue only occurred in May 2016.

Entity for Gender Equality and the Empowerment of Women (UN-Women), converged with a separate national inquiry on sexual and reproductive health and rights initiated by the Malawi Human Rights Commission and supported by UNFPA. Because of the complementarity of the two reports, they were considered together at a multi-stakeholder dialogue in October 2015. Actors from various areas of the Malawian society attended the meeting, including government officials from several ministries, members of Parliament, district health officers, justice system personnel, United Nations agencies, service providers, civil society organizations and the media. During this dialogue, several evidence-based policy responses were identified and responsibilities assigned to key actors to take action, ultimately strengthening accountability at various levels.

16. As a result of this engagement, sexual and reproductive health and rights feature prominently in the Human Rights Action Plan of Malawi, as well as in the joint work plan of the United Nations and the Malawi Human Rights Commission. One of the main areas for action is efforts to bring the human rights discussion to the district level, where many of the barriers to effective enjoyment of rights were observed. UNFPA is also placing particular priority on ensuring contraceptive choice and the availability and accessibility of contraceptive goods and services. Another key area for action in Malawi concerns law reform, including ongoing efforts to reform the abortion law and advocate for a comprehensive law on sexual and reproductive health and rights.

17. In Uganda, the multi-stakeholder meeting held in November 2014 took place within the context of multiple initiatives to improve sexual and reproductive health and rights. Under the leadership of the Ministry of Health, a task force has been established on a human rights-based approach for planning and implementation, creating additional advocacy opportunities.

18. A variety of capacity-building initiatives have emanated from the technical guidance roll-out process in Uganda. OHCHR has prioritized building the capacity of civil society to monitor violations of sexual and reproductive health and rights, the provision of a human rights database customized for the documentation of cases to inform strategic litigation and policy advocacy, and capacity-building for health workers on rights-based approaches to health. Additionally, UNFPA, OHCHR and WHO formed a reference group to work with the Ugandan Human Rights Commission to build its institutional capacity to monitor and report on sexual and reproductive health and rights.

19. In recognition of the need to pay particular attention to individuals and communities who are often excluded in planning processes in this area, the Ministry of Health has agreed to ensure that maternal death reviews will be conducted not only at the health-facility level but also at the community level. As a result, there is now improved understanding that the unmet health needs and rights of those not coming to health facilities must be analysed in order to ensure effective redress. Illustratively, and in accordance with the technical guidance, the White Ribbon Alliance has prioritized monitoring access to services in various regions with community-based monitoring action teams. Moreover, awareness of the technical guidance raised through the multi-stakeholder process has also led to increased attention paid to access to sexual and reproductive health services for adolescents, with the Ministry of Health updating its adolescent health strategy and introducing data collection for 10-14 year olds.

20. Another key area of action by OHCHR and civil society organizations in Uganda following the multi-stakeholder process is engagement with the judiciary to enhance understanding of the justiciability of economic, social and cultural rights, including the right to health, which would strengthen the possibility of effective accountability for preventable maternal deaths.

21. In Zambia, in 2015, there was an effort to replicate the technical guidance processes carried out in other countries. In that regard, at the initiative of UNFPA, a preliminary meeting was convened with various stakeholders, including the Population Council, the National Human Rights Institution, the Women and Law in Southern Africa Research and Education Trust and OHCHR to discuss the current status of sexual and reproductive health and rights in Zambia and identify priority areas for the future. These entail: an independent human rights assessment; the facilitation of an orientation meeting with government officials; civil society organizations raising awareness about human rights-based approaches to sexual and reproductive health; the subsequent facilitation of a multi-stakeholder national dialogue to disseminate the preliminary findings of the assessment, receive feedback and secure consensus on policy and programme directions; and the development of a country report on a rights-based approach to sexual and reproductive health programming in Zambia.

22. Those three multi-stakeholder processes illustrate the critical importance of the engagement, initiative and leadership of a variety of partners, including the Government, civil society, health workers, parliamentarians, statisticians, the judiciary and the United Nations, capitalizing on the strategic advantage of differently situated stakeholders.

B. Legislative reform

23. Several stakeholders also report using the technical guidance or the human rights principles enshrined therein as an assessment or monitoring tool to examine and amend existing legislation. Submissions from States, such as Georgia, Greece, Madagascar, Mali and the Republic of Moldova, highlighted how their national laws are aligned with the technical guidance.

24. Civil society groups also reported using the technical guidance in their advocacy for law reform. For instance, in the United States of America, the Center for Reproductive Rights reports drawing upon the technical guidance to present a "menu" of options at the state level to work towards human rights compliance. The International Pregnancy Advisory Services (IPAS) indicates that the technical guidance has informed its work with the Government of Sierra Leone to address the high rate of maternal mortality, including from unsafe abortion, and to advocate for law reforms, such as a bill legalizing abortion currently awaiting approval.

C. Planning and budgeting

25. Several stakeholders report using the technical guidance or the human rights principles enshrined therein as an assessment or monitoring tool to examine, amend and adopt policies and programmes with particular attention given to vulnerable population groups, for instance in El Salvador, the European Union, Madagascar, Peru and Slovakia. In Chile and the Republic of Moldova the engagement of and collaboration and partnerships between multiple stakeholders was also emphasized. The submissions received from Colombia, Finland, Lithuania and the Netherlands explained that a human rights-based approach is explicitly incorporated into health policies. Some States, such as Qatar, have indicated the usefulness of the guidance, where others, such as Burundi, signalled its value in the elaboration of future policies.

26. The technical guidance has also been utilized in efforts to promote and implement human rights-based approaches to budgeting for maternal health. For instance, SAHAYOG and the National Alliance for Maternal Health and Human Rights in India, drawing considerably on the technical guidance, provided reports, expert briefings, data and policy

recommendations to the country's Parliamentary Standing Committee on Health and Family Welfare. Following their intervention, the Committee provided budget oversight on the departmental demand for grants 2015/16 of the Ministry of Health and Family Welfare, which subsequently took into account the human rights principles of equality and non-discrimination, and made a number of rights-based recommendations to the Ministry. As a consequence, the Ministry increased the special component of the budget earmarked for marginalized indigenous populations.

D. Ensuring implementation in practice

27. Important efforts have also been made to work with health-service providers in implementing rights-based approaches to sexual and reproductive health. For example, a coalition of organizations, including the Ministry of Health of Jalisco, the National Committee for the Promotion of Safe Motherhood, the Committee for the Promotion of Safe Motherhood in Jalisco, the Simone de Beauvoir Leadership Institute and OHCHR have used the technical guidance in Jalisco, Mexico, to address high maternal mortality rates. Through the project, training sessions have been organized for 60 social workers who subsequently produced 10 research protocols on sexual and reproductive service provision and human rights within their health facilities. These protocols, currently being implemented, enabled the social workers to break down stereotypes, be critical of institutional practices that violate women's human rights and strengthen monitoring and accountability.

28. In addition to the guidance mentioned above (para. 7), one of which is focused on health workers, UNFPA has partnered with WHO to develop a detailed implementation guide, in terminology commonly used by health-care providers and programme managers, on ensuring human rights within contraceptive service delivery.[8]

29. In South Africa, the Society of Midwives of South Africa is using the technical guidance in its efforts to build the capacity of midwives to apply a human rights-based approach and to promote the special role of midwives in sexual and reproductive health as distinct from general nurses, including their separate training, registration and management. The Society has developed the "Trainers handbook on applying human rights-based approaches to midwifery", which draws on and contextualizes the technical guidance, conducted workshops to empower its executive members and strategic educators to introduce this work in their respective training institutions and carried out advocacy for midwifery. Thus far, the handbook has been piloted with 30 midwives in courses facilitated by two of the trained educators. The workshops and training courses also helped sharpen advocacy efforts and collaboration with the National Department of Health and the Minister of Health to ensure explicit and independent recognition of midwives in the South African Nursing and Midwifery Act 2015.

E. Monitoring, review, oversight and remedies

30. The technical guidance was used extensively by multiple stakeholders in Brazil to monitor follow-up to communication No. 17/2008, *Da Silva Pimentel v. Brazil*, on which the Committee on the Elimination of Discrimination against Women had adopted its views on 25 July 2011, the first decision of an international human rights treaty body on a maternal death as a human rights violation.

[8] UNFPA and WHO, *Ensuring Human Rights within Contraceptive Service Delivery: Implementation Guide* (2015).

31. A number of the recommendations in this case focus on non-repetition of those human rights violations and suggest reforms to how the State administers maternal health care. Four years after the decision was issued, the Center for Reproductive Rights indicated that it had convened a follow-up commission to assess implementation of those recommendations. Inspired by the technical guidance, the commission was able to craft robust recommendations for further reform of the Brazilian maternal health system, which the Center is currently using in ongoing advocacy.

32. IPAS has noted that, with its national partners, it has used a human rights-based approach to monitor the progress of the Government of Brazil in taking effective measures to implement the Committee's decision. Using the technical guidance as a framework, IPAS has also worked with Brazilian civil society organizations to assess the quality of post-abortion care in five Brazilian states. Researchers used a human rights-based approach and based their interview questions on the technical guidance and presented the final report in October 2015 in a thematic hearing before the Inter-American Commission on Human Rights.

33. The Information Group on Reproductive Choice (GIRE) in Mexico highlighted that the technical guidance has been instrumental in its focus on social justice to build capacity of rights holders to demand a State response when their rights have been violated, making use of complaints to public human rights bodies, both at local and national levels, with the objective of achieving comprehensive reparations for violations. The organization has developed specific research and reports on women's reproductive rights in Mexico aimed at drawing attention to violations, making recommendations to different authorities and influencing policy decisions related to reproductive health and rights.

34. Stakeholders in Peru have also utilized the technical guidance to support participatory monitoring methods. For example, Foro de la Sociedad Civil en Salud (ForoSalud) has focused its efforts on building the capacity of indigenous women to ensure the quality of care at health facilities; direct citizen monitoring of health facilities; documentation and production of reports on the monitors' findings; the monthly analysis of those findings with the Regional Ombudsperson's Office, ForoSalud members and the Departmental Officer for Integral Health Insurance; and the creation of "dialogue spaces" for indigenous women leaders and health providers and authorities. Those efforts have led to improved understanding within the Ombudsperson's Office of health rights and increased accountability of public health facilities as a result of regular monitoring by indigenous women, who are now able to present their monitoring findings to the Ombuds officers.

35. As another example of monitoring human rights violations related to maternal health, Amnesty International published a report in 2014 that examined some of the barriers to antenatal care faced by women and girls in South Africa.[7] The report, which utilized the technical guidance as a tool for analysis, adopted a qualitative and inclusive research methodology and identified key barriers that cause delays to or avoidance of antenatal care. A significant result was the shift in perception among the community concerned from viewing maternal health care as an issue of poor service delivery to be endured to one of human rights to be challenged. It is reported that the authorities have visited some of the sites mentioned in the report to investigate its key findings.

[7] Amnesty International, "Struggle for maternal health: barriers to antenatal care in South Africa" (2014).

IV. Challenges in implementation

36. The numerous examples given above present an encouraging picture regarding the implementation of the technical guidance and human rights-based approaches more broadly. The guidance is being utilized by a wide diversity of stakeholders, often collaboratively, across various sectors and in a range of different contexts. The ownership at the country level by multiple stakeholders in certain contexts has, in particular, been a positive development.

37. Despite these positive experiences, there are many challenges that hinder further implementation of the guidance.

A. Sustained engagement

38. It has been four years since the technical guidance was presented to the Council. Specific results have been seen in terms of influencing the understanding of human rights in the context of maternal health and sexual and reproductive health more broadly. That has had an impact on the content of policies, strategies and work plans in certain countries.

39. Local- and national-level implementation of the guidance requires concerted and dedicated political and financial efforts to identify relevant barriers, devise solutions and build the capacity of a variety of actors. That sort of sustained engagement over long periods of time is often difficult to achieve. Furthermore, stakeholders observed that, while there is momentum behind certain multi-stakeholder processes, in several contexts civil society organizations are expected to lead the process, but they are often restricted by the resources available and the extent to which their collaborative efforts can influence State actors to implement human rights-based approaches.

B. Dissemination

40. Many stakeholders have expressed concern that there is little knowledge or ownership of the technical guidance among key decision-makers at the national level. Though dissemination has improved since 2012, lack of awareness of the guidance and the Council's call for its implementation remains a significant challenge.

41. Although the Council process related to maternal mortality and morbidity is a comparatively positive example of the Council's work being implemented at the national level, more effort is needed to link its important work, as well as that of regional human rights mechanisms, to national-level implementation efforts and vice versa. As the Council celebrates its tenth anniversary, it is an auspicious moment to consider modalities for reducing the gap between international-level and regional processes and national-level action.

C. Multi-stakeholder engagement

42. The present report places particular emphasis on the importance of multi-stakeholder processes. Those processes require a considerable investment in terms of time, as well as human and financial resources. In some contexts, when faced with the complexity of meaningful participation, different actors may opt for shortcuts, which are deemed to achieve the same result. In a human rights-based approach, the process of deliberation among a wide variety of stakeholders, including health providers, and reaching marginalized women and adolescent girls is critical for building an environment of empowerment where rights may be claimed.

43. The often entrenched nature of health-care systems in many States makes holistic, cross-sectoral change difficult. Such change is further complicated where lines of accountability are sometimes unclear. In those contexts, where actors at the federal, state, and local levels, as well as private sector actors, all influence laws and policies around maternal health and are involved in service delivery, better coordination and sharing of information, as well as more stakeholder involvement, is needed. While many stakeholders play a role in applying a rights-based approach, the ultimate responsibility for ensuring that human rights are upheld remains with the central Government, which should ensure a conducive environment for all duty-bearers to meet their obligations and rights-holders to claim their rights.

D. Advocacy and capacity-building

44. There remains a need to build awareness about maternal mortality and morbidity as an issue of fundamental human rights, not primarily as a biomedical problem. Contributions from certain stakeholders and discussions surrounding the implementation of the technical guidance reveal continuing resistance to recognizing that reducing preventable maternal mortality is a pressing human rights concern, just as important as traditional civil and political rights protections. More efforts are required to enhance understanding of the indivisibility of human rights.

45. There is also a need for further efforts to build capacity on the practical application of rights-based approach in different contexts and by different actors. The processes in which the technical guidance has been utilized have consistently pointed to the need for first building common understanding of what it means to apply a rights-based approach, which is fundamental for building partnerships for realizing rights.

V. 2030 Agenda for Sustainable Development

46. The 2030 Agenda, read together with the Secretary-General's renewed Global Strategy, presents a solid foundation for the realization of human rights, especially sexual and reproductive health and rights. Building on that foundation will require careful attention to be given to translation of those global agendas to national implementation efforts.

47. The Sustainable Development Goals have been heralded as a transformative agenda and human rights-based approaches are a path towards that transformation — from charity to empowerment, from needs to rights. The process of identifying rights-holders and their entitlements and duty-bearers and their obligations requires inclusive deliberative processes at the local, national and international levels that interrogate who is denied or unable to claim their rights and why, who has power and why and how priorities are set and for whose benefit. That shift demands critical questioning of complex power structures that entrench discrimination and inequality, followed by efforts to dismantle those systems and build more just and equal societies.

48. As countries launch into the implementation of the Sustainable Development Goals, the technical guidance is an invaluable instrument to guide efforts with a view to ensuring compliance with human rights obligations and delivering on the promise of a transformative agenda.

A. Sexual and reproductive health and rights

49. The technical guidance is grounded in recognition of sexual and reproductive health and rights, including the right to survive pregnancy and childbirth in good health. Recognizing that includes recognizing whether women live or die in childbirth is integrally related to the status of women and girls in society, their ability to make informed decisions about if, when and whether to engage in sexual intercourse, to marry or to have children, their access to quality health services and information, including comprehensive sexuality education, and their access to resources to be able to realize their human rights.

50. This broad understanding of sexual and reproductive health and rights is supported in the political agreements of the 1990s, such as the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action, but was restricted in the Millennium Development Goals to maternal health only. The 2030 Agenda represents an important improvement in recognizing a more holistic approach to women's human rights, including rights related to sexual and reproductive health, which must be retained in its implementation.

B. International human rights standards

51. Applying a rights-based approach in the implementation of the Sustainable Development Goals to reduce maternal mortality and morbidity, and realize women's human rights more broadly, requires attention to be paid to the international human rights standards that bind all States. While the Sustainable Development Goals, and their predecessors the Millennium Development Goals, offer important targets for collective action, the ultimate goal must be full realization of human rights. The declaration of the 2030 Agenda is explicit in this requirement, emphasizing that the Agenda is to be implemented in a manner that is consistent with the rights and obligations of States under international law.

52. One critical action is ensuring common understanding of the content of international human rights standards and corresponding State obligations. With respect to sexual and reproductive health and rights, because those rights span many areas, the standards are located in numerous treaties, as explained in the first report of the High Commissioner to this Council on preventable maternal mortality and morbidity (A/HRC/14/39). As mentioned above, the Committee on Economic, Social and Cultural Rights adopted general comment No. 22 (2016) on the right to sexual and reproductive health. That authoritative interpretation of article 12 of the Covenant, which should be read together with the work of other human rights mechanisms, specifies States' obligations in the domain, and should serve as a reference point for States as they implement the Sustainable Development Goals. In the general comment, the Committee specifies that the right to sexual and reproductive health entails a set of freedoms and entitlements. The freedoms include the right to make free and responsible decisions and choices, free of violence, coercion and discrimination, regarding matters concerning one's body and sexual and reproductive health. The entitlements include unhindered access to a whole range of health facilities, goods, services and information, which ensure all people full enjoyment of the right to sexual and reproductive health.

53. These human rights standards are relevant across contexts. Importantly, the Sustainable Development Goals departed from the approach under the Millennium Development Goals of only focusing on progress made by developing countries and articulated a universal agenda for all countries, which is a crucial opportunity to examine inequalities among various groups within countries, in accordance with the technical guidance.

C. Participation

54. Throughout the technical guidance, participation of all affected groups is particularly emphasized. Such participation must permeate all aspects of implementation of the Sustainable Development Goals, from devising policies and programmes to budget allocation, implementation, monitoring and review. Special efforts may be required to build environments that foster participation and active engagement of affected groups, particularly women and girls. That will include elimination of discriminatory laws and practices that silence or diminish women's voices or threaten their security, making processes accessible to women and girls in terms of taking account of their other responsibilities at work, home or school, as well as building their capacity to engage effectively, and ensuring that freedoms of expression, association and assembly are fully protected. Furthermore, participatory processes must result in programming that is responsive to those priorities expressed.

D. Focus on inequality and discrimination

55. A rights-based approach, as explained in the technical guidance, demands explicit focus on those groups that are most marginalized and excluded. Such priority attention to the elimination of discrimination is mirrored in the call in the 2030 Agenda to leave no one behind. One of the most consistent criticisms of the Millennium Development Goals was the fact that, in many cases, the focus on aggregate progress neglected the people who were in the most deprived situations. For example, while the overall rates of skilled attendance at birth were shown to increase from 59 per cent in 1990 to 71 per cent in 2014, women in the lowest quintile groups and living in rural areas are still much less likely to access such care.[7] Indeed, women belonging to particularly marginalized groups and experiencing multiple and intersecting forms of discrimination are often the most at risk of suffering poor health and human rights violations. Recognizing who is deprived of the enjoyment of their rights and building policies and programmes on the foundation of that recognition is a fundamental element of a rights-based approach and should be fully integrated in the implementation of the Sustainable Development Goals.

56. To ascertain who is experiencing discrimination and inequality, reliable, disaggregated data must be available and the 2030 Agenda has a strong focus on an expansive list of groups to be given special attention. In addition to data disaggregation, measures must be taken to ensure that all marginalized groups are accounted for, especially those experiencing multiple forms of discrimination, who may be invisible in official statistics used to measure progress. For example, data collected to ascertain "met need for contraception" only includes women who are married or in union, but not other women or adolescents who are sexually active. Data collection and analysis must be understood within the context of many societies where there is a resistance to challenging gender norms and women's and girls' sexuality is considered something to be controlled. Other groups who may be invisible in official statistics include young adolescents (10-14 years old), migrants in an irregular situation, persons with disabilities, indigenous peoples and persons whose status is criminalized.

[7] "Millennium Development Goals report 2015" (New York, 2015), pp. 39-40.

E. Indivisibility of human rights

57. Applying a rights-based approach is directed towards the realization of all human rights — civil, cultural, economic, political and social — recognizing that human rights are indivisible. The 2030 Agenda covers issues related to all human rights and should be seen as an indivisible agenda, which will require integration across different sectors and must resist approaches rigidly divided by sector.[7]

58. Reducing maternal mortality and morbidity in accordance with human rights obligations will require efforts on multiple targets of the Sustainable Development Goals. While target 3.1 is the most directly concerned with maternal mortality as a distinct issue, true progress in reducing maternal mortality requires action across the entirety of Goal 3 concerning healthy lives. Focused attention is needed to ensure a holistic and integrated approach to ensuring health systems that include universal health care, including sexual and reproductive health, comprehensive service provision, a functioning referral system and mechanisms for accountability. That approach will require actions to strengthen health systems and support health workers. Delivering on Goal 3 also requires dedicated efforts to eliminate discrimination in health care and uphold professional standards of conduct and ethics and respect for informed consent and patient privacy and confidentiality.

59. Furthermore, progress in reducing maternal mortality is integrally linked to women's and girls' status in society, which requires action across all of the other Sustainable Development Goals. For example, target 5.1 on the elimination of discrimination against women should include examination of laws that require women to obtain third party consent (of their husband, parent or multiple medical professionals) in order to access sexual and reproductive health services or information, as well as laws that criminalize adult consensual sex, and which criminalize sexual and reproductive health services only required by women, such as abortion or emergency contraception. Eliminating violence, including violence against women (targets 16.1 and 5.2), is fundamental to addressing patterns of maternal mortality and morbidity, as violence, including sexual violence, at home and in the community, including crisis situations, has a direct impact on women's and girls' ability or willingness to access health services. Eliminating child and forced marriage (target 5.3) is critical, as that is a major contributor to girls and adolescents becoming pregnant before they are physically or mentally mature enough and associated mortalities and morbidities. Other Sustainable Development Goals cover critical social and underlying determinants of health, such as decent work, access to housing and safe water and sanitation, which are fundamental to women's human rights, including sexual and reproductive health and rights, and as emphasized in the technical guidance.

60. Another example is Sustainable Development Goal 4 on education. Enabling girls to remain in school rather than arranging their marriage, and ensuring that their education includes comprehensive sexuality education to enable informed decision-making about their reproduction and sexuality, are indispensable interventions to support improved enjoyment of sexual and reproductive health and rights and reduced maternal mortality and morbidity.

61. The preceding section has highlighted the importance of paying attention to inequalities in applying a rights-based approach to maternal mortality, which is integrally linked to the targets set under Goal 10 of the Sustainable Development Goals on reducing

[7] OHCHR has developed a table that links all of the Sustainable Development Goals to the relevant human rights obligations, which demonstrates the need for such a holistic approach. Available from http://ohchr.org/Documents/Issues/MDGs/Post2015/SDG_HR_Table.pdf.

inequalities. Further efforts are needed to establish methodologies that effectively capture multiple and intersecting forms of discrimination and inequality.

62. Reducing preventable maternal mortality and morbidity from a human rights perspective also requires accountability when rights have been violated and access to an effective gender-sensitive remedy. Target 16.3 on rule of law and equal access to justice speaks to an important aspect of accountability, which is often neglected in interventions focused only on the health dimensions of maternal mortality.

F. Human rights indicators

63. The importance of identifying appropriate indicators has been mentioned throughout the present section. However, because the indicator framework will play a major role in determining how the targets and goals get interpreted, additional attention must be paid to this important issue. The submission made by the Statistical Commission (E/CN.3/2016/2/Rev.1) represents a commendable effort to embrace the ambitious vision of the 2030 Agenda, including with respect to human rights. Combined with the indicators that have been proposed under the Global Strategy,[42] there is a strong basis for measuring State effort and results in reducing maternal mortality and morbidity in accordance with human rights obligations.

64. However, even if adopted in their entirety, those globally identified indicators will not suffice to provide an understanding of whether women and girls are truly enjoying their human rights, especially their sexual and reproductive health rights. Assessing the enjoyment of human rights cannot be reduced to collection of data, no matter how robust the information gathered. Human rights monitoring and documentation methodologies, which include qualitative indicators and context-specific analysis, are critical complementary tools to indicator selection and measurement to enable a fuller understanding of whether States are meeting their human rights obligations. In that regard, it is crucial that analysis of progress on Sustainable Development Goals indicators is considered together with wider human rights reporting, for example, to United Nations treaty bodies and the universal periodic review or through national processes led by national human rights institutions.

65. The Sustainable Development Goals indicator framework should be anchored in human rights standards. The recently adopted general comment No. 22 of the Committee on Economic, Social and Cultural Rights provides an important foundation for understanding the breadth of the issues to be covered. In the annex to the present report, a table is presented laying out proposed indicators with cross-references to the core content of the right to sexual and reproductive health. Some additional indicators, which could be read into existing proposed Sustainable Development Goals and Global Strategy indicators, or could be integrated in national adaptation processes, could include:

(a) Existence of discriminatory laws that criminalize or place other barriers to an individual's access to sexual and reproductive health services, goods and information;

(b) Percentage of health-care facilities in a country that offer a minimum package of sexual and reproductive health services;

(c) Indicators to assess the availability and quality of basic and comprehensive emergency obstetric care;

[42] Every Woman Every Child, "Indicator and monitoring framework for the Global Strategy for Women's, Children's and Adolescents' Health" (2016).

(d) Existence of a national plan on sexual and reproductive health;

(e) Specific budget system in place to track the proportion of public sector and total resources dedicated to sexual and reproductive health services;

(f) Medical terminations of pregnancy as a proportion of live births;

(g) Proportion of complaints received on the right to health that have been investigated and adjudicated by the national human rights institution, ombudsperson or other mechanisms and the proportion of those to which the Government has effectively responded.

66. Furthermore, the indicators selected should include a mix of structure, process and outcome indicators, as well as qualitative and quantitative indicators. That is important in order to account for the measures required to establish an enabling environment for the realization of rights, for example through examination of legal frameworks, budgetary allocations and key interventions for women's health, such as skilled attendance at birth. It is also key to assess whether rights are being realized in practice, for example, through reduced adolescent birth rates and the availability of a range of modern contraceptives, as well as to capture the actual experience of individuals, for example by documenting experience of discrimination, disrespect and abuse in health-care settings.

67. In prioritizing indicators, the technical guidance specifies that "quantitative indicators should be (a) continuously or frequently measurable in order that the actions taken by an administration may be measured in a timely manner; (b) objective, to permit comparison across time and countries and or subregions; (c) programmatically relevant, to enable priority setting and identification of accountability gaps; and, ideally, (d) subject to local audit to promote accountability to populations served" (A/HRC/21/22 and Corr.1 and 2, para. 71). Well-established indicators should be re-examined against those criteria. For example, maternal mortality rates do not meet the criteria because they are inadequate for assessing whether policies are working. Additionally, for the indicator of skilled attendance at birth to be meaningful and objective, there must be a common standard of what qualifies as "skilled", an area where there is important ongoing work.

68. Attention is also required to ensure that indicators do not incentivize action that would undermine enjoyment of human rights. For example, indicators pertaining to contraceptive usage should not obscure the fundamental importance of choice of modern methods and informed consent by women and girls.

69. In addition, where indicators are identified as important from a human rights perspective but methodologies for collecting such data remain underdeveloped, that must be taken as a signal to give greater attention to those potential methodologies rather than an insurmountable barrier. For example, the lack of comprehensive and emergency obstetric care remains a critical factor contributing to the death of women in pregnancy and childbirth, and provision of such care is considered a core obligation of States under human rights law. The United Nations has developed indicators to capture the availability of emergency obstetric care;[37] however, current systems of data collection have prevented meaningful use of those indicators for monitoring access. More effort must be directed to overcoming those obstacles in order to find suitable ways of understanding to what extent women and girls are able to access the care they require in order to survive pregnancy and childbirth in good health and with dignity.

[37] WHO, UNFPA, UNICEF and Averting Maternal Death and Disability, *Monitoring Emergency Obstetric Care: A Handbook* (2009).

70. The "data revolution" for sustainable development must fully embrace not only human rights-sensitive indicators, but also a human rights-based approach to the collection, production, analysis and dissemination of data. That requires attention to be given to the following human rights principles: participation of all population groups, in particular the marginalized, in the data collection process; the disaggregation of data to prevent discrimination based on grounds prohibited by international human rights law; self-identification, without reinforcing further discrimination of these groups; transparency to guarantee the right to information; respecting the privacy of respondents and the confidentiality of their personal data; and accountability in data collection and use.[14]

G. Accountability

71. The "circle of accountability" concept put forth in the technical guidance explains that accountability must be at the heart of a rights-based approach, not an afterthought once a violation has occurred. In the implementation of the Sustainable Development Goals, specific attention must be given to assessing existing accountability mechanisms for women's sexual and reproductive health and rights, building accountability into interventions and strategies, monitoring the functioning and effectiveness of those mechanisms and processes and taking remedial action to ensure that they are responsive to individual's rights. Establishing and maintaining such accountability mechanisms requires dedicated and sustained resources. Ensuring effective participation of rights-holders in all aspects of implementing the 2030 Agenda is fundamental to establishing an effective system of accountability.

72. The technical guidance further emphasizes the need for accountability through multiple forms of review and oversight, including administrative (e.g., internally within health facilities), social (e.g., community-based oversight), political (e.g., oversight of parliaments over the executive branch of government), legal (e.g., oversight by the judiciary or national human rights institutions) and international (e.g., reporting to international human rights mechanisms). Identifying responsibilities also requires looking beyond individuals to capture systemic failures and looking beyond domestic State authorities to the role of the private sector and donors.

73. As mentioned above, details for the "follow-up and review" framework of the Sustainable Development Goals are still under discussion at the time of writing the present report. A robust multi-stakeholder accountability framework is needed. At the global level, the high-level political forum on sustainable development will review progress through both country reviews and thematic reviews. Those reviews should systematically draw upon information and recommendations from the United Nations human rights mechanisms, ensuring that implementation of the 2030 Agenda is consistent with binding human rights obligations. Close coordination with the Independent Accountability Panel established under the Global Strategy will be critical for providing additional, more detailed information specifically on the health and rights of women, children and adolescents. Participatory, inclusive and transparent monitoring mechanisms are also needed at the national and regional levels to enable people to provide diverse perspectives on progress towards the targets of the Sustainable Development Goals, as well as compliance with human rights standards. It is equally important that the actions of private actors, including private hospitals, pharmaceutical companies and public and private-donor institutions, are

[14] OHCHR, "A human rights-based approach to data: leaving no one behind in the 2030 development agenda" (2016).

monitored for their contribution to achieving the Sustainable Development Goals in accordance with human rights obligations (see General Assembly resolution 70/1, para. 67).

VI. Recommendations

74. The High Commissioner notes with appreciation the many examples of how the technical guidance has been used by a wide variety of stakeholders to ensure rights-based approaches to maternal health. Given its significant value to national implementation of the 2030 Agenda, the High Commissioner recommends that the Council remain seized of this important issue.

75. The following recommendations are made to States and other stakeholders, as relevant, to:

(a) Build recognition, at the national and international levels, that preventable maternal mortality and morbidity is a fundamental human rights issue and, particularly in this context, enhance understanding among all stakeholders of the indivisibility of all human rights;

(b) Disseminate the technical guidance and associated tools as widely as possible, including to all ministries and public institutions at all levels relevant, and to rights-holders and other organizations working in related areas;

(c) Report on the implementation of the technical guidance through existing human rights mechanisms at the regional and international levels, as well as in the context of the monitoring and accountability framework of the Sustainable Development Goals;

(d) Strengthen awareness and build the capacities of various stakeholders, including policymakers, legislators, national human rights institutions, the judiciary, United Nations agencies and health workers, on the application of rights-based approaches to sexual and reproductive health, by organizing, inter alia, briefings, trainings, webinars or other meetings;

(e) Convene and support multi-stakeholder meetings, which involve health workers and marginalized women and girls, to discuss the application of a rights-based approach to sexual and reproductive health and identify opportunities within national-level processes and prioritize concrete areas and plans for action;

(f) Appoint a national body with responsibility for ensuring the implementation of rights-based approaches, including as outlined in the technical guidance, across all sectors and at all levels;

(g) Affirm the centrality of human rights and reinforce linkages between international and regional processes, including the 2030 Agenda and the Global Strategy for Women's, Children's and Adolescents' Health;

(h) Adopt human rights-sensitive indicators at the national level to monitor progress and impact, including in the context of the implementation of the 2030 Agenda, complement indicator analysis with human rights reporting and ensure a human rights-based approach to the collection, production, analysis and dissemination of data;

(i) Assess existing accountability mechanisms for women's sexual and reproductive health and rights in the implementation of the Sustainable Development Goals, building accountability into interventions and strategies, monitoring the functioning and effectiveness of those mechanisms and processes and taking remedial action to ensure they are responsive to human rights.

Annex

Indicators for assessing compliance with human rights obligations, especially related to sexual and reproductive health and rights

Core content of the right to sexual and reproductive health from the Committee on Economic, Social and Cultural Rights, general comment No. 22 (2016) on sexual and reproductive health[a]	*Relevant indicators in the Statistical Commission report (E/CN.3/2016/2/Rev.1)*[b]	*Additional indicators in the Global strategy, indicator and monitoring framework*	*Non-exhaustive list of additional indicators that could be incorporated into national level adaptation (with reference to where indicator has been proposed, where feasible)*[c]
To repeal or eliminate laws, policies and practices that criminalize, obstruct or undermine access by individuals or a particular group to sexual and reproductive health facilities, services, goods and information	5.1.1 Whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex		- Existence of discriminatory laws which criminalize or place other barriers to an individual's access to sexual and reproductive health services, goods and information
To adopt and implement a national strategy and action plan, with adequate budget allocation, on sexual and reproductive health, which is devised, periodically reviewed and monitored through a participatory and transparent process, disaggregated by prohibited ground of discrimination	5.6.2 Number of countries with laws and regulations that guarantee women aged 15-49 access to sexual and reproductive health care, information and education 16.6.1 Primary government expenditures as a percentage of original approved budget, disaggregated by sector (or by budget codes or similar)	Current country health expenditure per capita (including specifically on reproductive, maternal, newborn, child and adolescent health) financed from domestic sources	- Existence of a costed national plan on sexual and reproductive health (OHCHR right to health indicators) - Specific budget tracking system in place on proportion of public sector and total resources dedicated to sexual and reproductive health services (adapted from OHCHR right to health indicators)
To guarantee universal and equitable access to affordable, acceptable and quality sexual and reproductive health services, goods and facilities, in particular for women and disadvantaged and marginalized groups	5.6.1 Proportion of women aged 15-49 who make their own informed decisions regarding sexual relations, contraceptive use and reproductive health care 3.1.1 Maternal deaths per 100,000 live births 3.1.2 Proportion of births attended by skilled health personnel 3.3.1 Number of new HIV infections per 1,000 uninfected population (by age group, sex and key populations)	Proportion of women aged 15-49 who received four or more antenatal care visits Proportion of women who have postpartum contact with a health provider within two days of delivery Percentage of people living with HIV who are currently receiving antiretroviral therapy, by age and sex Proportion of women aged 20-49 who report they were screened for cervical cancer	- Indicators to assess the availability and quality of basic and comprehensive emergency obstetric care (WHO, UNFPA, UNICEF, Averting Maternal Death and Disability, emergency obstetric care indicators] - Percentage of health care facilities in a country that offer a minimum package of sexual and reproductive health services (WHO, Ending Preventable Maternal Mortality)

Core content of the right to sexual and reproductive health from the Committee on Economic, Social and Cultural Rights general comment No. 22 (2016) on sexual and reproductive health[a]	*Relevant indicators in the Statistical Commission report (E/CN.3/2016/2/Rev.1)*[b]	*Additional indicators in the Global Strategy indicator and monitoring framework*[c]	*Non-exhaustive list of additional indicators that could be incorporated into national-level adaptation (with reference to where indicator has been proposed, where feasible)*[d]
	3.7.1 Percentage of women of reproductive age (aged 15-49) who have their need for family planning satisfied with modern methods 3.7.2 Adolescent birth rate (aged 10-14; aged 15-19) per 1,000 women in that age group 3.c.1 Health worker density and distribution 10.2.1 Proportion of people living below 50 per cent of median income, disaggregated by age group, sex and persons with disabilities 10.3.1 Percentage of the population reporting having personally felt discriminated against or harassed within the last 12 months on the basis of a ground of discrimination prohibited under international human rights law	Prevalence of anaemia in women aged 15-49, disaggregated by age and pregnancy status Out-of-pocket health expenditure as percentage of total health expenditure	
To enact and enforce the legal prohibition of harmful practices and gender-based violence, including female genital mutilation, child and forced marriage and domestic and sexual violence, including marital rape, while ensuring privacy, confidentiality and free, informed and responsible decision-making, without coercion, discrimination or fear of violence, in relation to the sexual and reproductive needs and behaviours of individuals	5.2.1 Proportion of ever-partnered women and girls aged 15 years and older subjected to physical, sexual or psychological violence by a current or former intimate partner, in the last 12 months, by form of violence and by age group 5.2.2 Proportion of women and girls aged 15 years and older subjected to sexual violence by persons other than an intimate partner in the last 12 months, by age group and place of occurrence	Proportion of rape survivors who received HIV post-exposure prophylaxis within 72 hours of an incident occurring	- Legal recognition of marital rape

Core content of the right to sexual and reproductive health from the Committee on Economic, Social and Cultural Rights' general comment No. 22 (2016) on sexual and reproductive health[a]	*Relevant indicators in the Statistical Commission report (E/CN.3/2016/2/Rev.1)*[b]	*Additional indicators in the Global Strategy indicator and monitoring framework*	*Non-exhaustive list of additional indicators that could be incorporated into national level adaptation in order to reflect a richer, multi-dimensional picture of progress where feasible*[c]
	5.3.1 Percentage of women aged 20-24 who were married or in a union before age 15 and before age 18 5.3.2 Percentage of girls and women aged 15-49 who have undergone female genital mutilation cutting, by age group 16.2.3 Proportion of young women and men aged 18-29 who experienced sexual violence by age 18 16.6.2 Proportion of the population satisfied with their last experience of public services		
To take measures to prevent unsafe abortions and to provide post-abortion care and counselling for those in need			- Medical terminations of pregnancy as a proportion of live births (OHCHR right to health indicator)
To ensure all individuals and groups have access to comprehensive education and information on sexual and reproductive health that are non-discriminatory, non-biased, evidence-based, and that take into account the evolving capacities of children and adolescents		Proportion of men and women aged 15-24 with basic knowledge about sexual and reproductive health services and rights	- Percentage of schools that provided comprehensive sexuality education in the previous academic year (High Level Task Force for the International Conference on Population and Development indicators)
To provide medicines, equipment and technologies essential to sexual and reproductive health, including based on the WHO Model List of Essential Medicines	3.b.1 Proportion of the population with access to affordable medicines and vaccines on a sustainable basis		- Indicators related to the availability of essential medicines

Core content of the right to sexual and reproductive health from the Committee on Economic, Social and Cultural Rights general comment No. 22 (2016) on sexual and reproductive health	*Relevant indicators in the Statistical Commission report (E/CN.3/2016/2/Rev.1)*[a]	*Additional indicators in the Global Strategy indicator and monitoring framework*	*Non-exhaustive list of additional indicators that could be incorporated into national-level adaptation (with reference to where indicator has been proposed, where feasible)*[b]
To ensure access to effective and transparent remedies and redress, including administrative and judicial ones, for violations of the right to sexual and reproductive health	16.3.1 Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms	Governance index (voice, accountability, political stability and absence of violence, government effectiveness, regulatory quality, rule of law, control of corruption) Proportion of countries that have ratified human rights treaties related to women's, children's and adolescents' health	- Proportion of received complaints on the right to health investigated and adjudicated by the national human rights institution, ombudsperson, or other mechanisms and the proportion of these responded to effectively by the Government (OHCHR right to health indicators)

[a] Assessing compliance with human rights obligations would necessitate examining State action beyond the core content of the right to sexual and reproductive health. However, identifying indicators for the core content of the right provides an important baseline to be observed by all States.

[b] The report specifies that "Sustainable Development Goal indicators should be disaggregated, where relevant, by income, sex, age, race, ethnicity, migratory status, disability and geographic location, or other characteristics, in accordance with the Fundamental Principles of Official Statistics."

[c] The Framework includes the issue of disaggregation in its recommendations, specifying that "for many indicators the disaggregation by age, sex, socioeconomic status and other dimensions is critical to ensure that no one is left behind, including in humanitarian and other fragile settings. This will require special attention to data collection, analysis and communication for most indicators."

[d] OHCHR key messages on the 2030 Agenda explain that "data should be collected and disaggregated by all grounds of discrimination prohibited under international human rights law, which will require developing new partnerships, methods and data sources, including non-traditional data sources and data gatherers including civil society". Additionally, special efforts should be made to ensure information is collected on the situation of 10-14 year olds.

A/HRC/33/25

General Assembly

Distr.: General
15 July 2016

Original: English

Human Rights Council
Thirty-third session
Agenda items 2 and 3
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Summary of the discussions held during the expert workshop on the right to participate in public affairs

Report of the Office of the United Nations High Commissioner for Human Rights

Summary

In its resolution 30/9, the Human Rights Council requested that the Office of the United Nations High Commissioner for Human Rights (OHCHR) organize an expert workshop to discuss the existing guidance on the implementation of the right to participate in public affairs. The workshop was aimed at identifying possible gaps and making recommendations in that regard, and at identifying new developments, trends, and innovations with respect to full, effective and equal participation in political and public affairs. The expert workshop was held in Geneva on 18 May 2016. The present report was prepared by OHCHR pursuant to the Council's request.

The main issues discussed during the workshop were the existing guidance on the right to participate and possible gaps; current challenges to the implementation of the right to participate in public affairs; and innovations and trends in regard to the right to participate in public affairs.

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I. Introduction

1. In its resolution 30/9, the Human Rights Council requested that OHCHR organize an expert workshop to discuss the existing guidance on the implementation of the right to participate in public affairs. The workshop was aimed at identifying possible gaps and making recommendations in that regard, and at identifying new developments, trends, and innovations with respect to full, effective and equal participation in political and public affairs. The Council also requested that OHCHR prepare a summary report on the expert workshop, to be presented to the Council at its thirty-third session. The expert workshop was held in Geneva on 18 May 2016.

II. Opening statement

2. The Chief of the Human Rights Council Branch of OHCHR, Eric Tistounet, delivered the opening remarks. In his introduction, Mr. Tistounet highlighted the crucial role that participation played in the advancement of all human rights and in empowering individuals and groups. He recalled the close linkages between the right to participate and other rights, such as the right of peaceful assembly, the rights to freedom of association and freedom of opinion and expression, and the rights to education and access to information.

3. He stressed that, despite the recognition in core international human rights treaties of the right to participate, challenges continued to exist regarding the effective enjoyment of that right by all. This held true particularly in relation to the enjoyment of the right on an equal basis by women, indigenous peoples, minorities, persons with disabilities, and other disadvantaged individuals and groups. Armed conflict, protracted violence, insecurity and structural issues of marginalization and poverty were further contextual factors that added obstacles to the enjoyment of the right to participate in public affairs. However, Mr. Tistounet stressed that information and communications technology (ICT), for example in the form of social media platforms and new horizontal forms of participation, provided opportunities to increase participation.

4. Against that background, Mr. Tistounet introduced the three bread themes around which the expert workshop was organized: (a) the scope and content of the right to participate in public affairs, and related guidance; (b) the challenges in the implementation of the right; and (c) innovations and trends in regard to participation. Given the breadth of the notion of "participation", he invited participants to reflect on a number of issues. The first of these was whether the concept and the implementation framework of the right to participate in public affairs could usefully benefit from developments in other areas. Secondly, Mr. Tistounet raised the issue of the existing barriers to equal participation, including the reasons behind such obstacles, identified groups that were commonly disenfranchised, and solicited views on steps to be taken to bring about positive changes. Thirdly, he invited speakers and participants to consider whether innovations and technologies had really given effect to the right to participate in public affairs and whether they had really increased participation.

III. Overview of panel presentations and discussions

A. Right to participate in public affairs, and the existing guidance

5. Olivier de Frouville, a member of the Human Rights Committee, focused his presentation on the legal framework for exercising the right to participate in public affairs. He stated that the right to participate, as provided in article 25 of the International Covenant on Civil and Political Rights, was the foundation of a democratic government based on the consent of the people. Mr. de Frouville recalled the breadth of the notion of "conduct of public affairs", which included the exercise of legislative, executive and administrative powers and covered all aspects of public administration as well as the formulation and implementation of policy measures at the international, national, regional and local levels. He also recalled that the right to participate, as provided in article 25 of the Covenant, included: (a) a general right to take part in the conduct of public affairs, which may be exercised directly or indirectly; (b) three distinct but interrelated rights: the right to vote (the right of the voter), the right to be elected (the right of the candidate), and the right to periodic elections with universal and equal suffrage and by secret ballot, guaranteeing the free expression of the will of voters; and (c) the right to have access on general terms of equality to public service positions — to be ensured through objective and reasonable criteria and processes for appointment, promotion, suspension and dismissal.

6. Mr. de Frouville added that the right and the opportunity to participate in public affairs required effective implementation of the right going beyond periodic elections. He said that States must adopt laws to determine the allocation of powers and the means by which citizens exercised the rights protected by article 25 without unreasonable restrictions. States were also under an obligation to adopt positive measures to overcome specific difficulties, such as illiteracy, language barriers, poverty, or impediments to freedom of movement, which may prevent persons entitled to vote from exercising their rights. In his conclusion, Mr. de Frouville indicated that while the Committee's general comment No. 25 (1996) on the right to participate in public affairs, voting rights and the right of equal access to public service remained relevant 20 years after its adoption, some areas could be addressed in greater detail in the light of developments that had taken place since 1996; these included (a) the issue of discrimination in the exercise of the right to participate in the conduct of public affairs; (b) alternative forms of participation, such as participative or deliberative forms; and (c) participation at the supranational or global level, including within international organizations.

7. Wan-Hea Lee, the Representative of the High Commissioner for Human Rights in Cambodia, focused her presentation on the implementation of the right to participate in public affairs at the national level. Noting the importance to the work of OHCHR in Cambodia of the guidance provided in the Human Rights Committee's general comment No. 25, and in its general comment No. 34 on freedom of opinion and freedom of expression, she pointed out that the exercise of the right to participate in public affairs in the country had faced a number of challenges since the general elections held in 2013. This had included the adoption of a series of restrictive laws that — for example, by allowing deregistration without justification — could potentially curtail the capacity of civil society organizations to engage in human rights advocacy, research, victim protection and awareness-raising activities. In the context of the upcoming elections in 2017 and 2018, a number of laws had been adopted, or were in the process of being adopted, which may constitute obstacles to freedom of expression. Ms. Lee noted that public consultations on draft laws or policies were not considered a mandatory requirement. She also highlighted the importance of participation in day-to-day decisions affecting people's lives, such as issues related to development, the environment and adequate standards of living.

8. In addition, Ms. Lee said that while abundant guidance existed on the way in which elections should be conducted, a gap remained regarding issues related to democracy and human rights in the context of elections, and further guidance would be useful in that regard. Stressing that political rights were part and parcel of the human rights framework, she suggested that such guidance would also help human rights non-governmental organizations (NGOs), political actors and electoral authorities to understand their respective roles in complex environments such as that of Cambodia. In that regard, she encouraged the elaboration of an updated, more detailed general comment on article 25 of the Covenant to highlight the rights and responsibilities of various stakeholders in the electoral, legislative and policymaking arenas, and the specific requirements of due process in regard to each of them.

9. The presentation of Chad Vickery, a representative of the International Foundation for Electoral Systems, focused on how electoral processes may support the right to participation. He stressed that resilient democracies require not just participation, but meaningful participation. He recalled elements considered to be essential in that regard, such as an active civil society, institutions that effectively and impartially enforce the rule of law, and the absence of intimidation and restrictions on public life. Furthermore, he stressed that electoral processes that supported meaningful citizen participation were linked to respect for accountability and for the integrity of elections. According to Mr. Vickery, the important question was how to assess whether electoral processes ultimately reflected the will of the voters. To answer that question, the electoral community had experimented with numerous methods to evaluate the quality of elections, which had proved to be challenging due to a lack of consensus as to the indicators to be used, how data was collected and shared, and the size of the data required. In that context, Mr. Vickery introduced a global election-quality indicator initiative, which was aimed at identifying and collecting a consistent set of indicators to establish the baseline for measuring electoral quality. Such indicators would produce a nuanced understanding of each country's unique electoral process over time, including how elections contributed to the right to participate in public life.

10. Mr. Vickery also indicated that election indicators were based on information collected by technical assistance providers, election management bodies and observers. He described the benefits of the initiative's approach, compared to other methods, but also highlighted some of the challenges that the initiative had had to grapple with. Among the advantages, he mentioned the capacity of indicators to provide a baseline to compare objective data over time, and the possibility of tracking the recommendations of observation missions, the implementation of the recommendations, and their impact. In conclusion, Mr. Vickery stressed that the indicators initiative would give election management bodies and technical assistance providers more comparative data that could be used for project design, adaptive learning, and monitoring and evaluation efforts. The ultimate goal of the indicators was to understand better the extent to which countries were meeting their international law obligations, and whether support from the international community for these electoral processes had aided the development of resilient democracies that encouraged meaningful participation and protected the political rights of individuals.

11. Katerina Hadzi-Miceva Evans, representing the European Centre for Not-for-Profit Law, emphasized that participation was a right and not a matter of political will. She stated that it was imperative to strengthen the existing international framework and guarantees in order to ensure that the right to participate was implemented meaningfully in practice. The experience of the European Centre for Not-for-Profit Law had shown that implementation of the right to participate also depended on the existence of understanding, of know-how and of safeguards to protect the right. She identified areas where the development of international standards would be beneficial, in particular the area of enforcement of the right to participate in public affairs. At the same time, she emphasized that participation

was a vibrant concept and required a framework that allowed flexibility in order to capture different modalities on the ground.

12. In the second part of her presentation, Ms. Hadzi-Miceva Evans focused on the Council of Europe guidelines on participation and how they could inform future discussions on the topic. She described the rationale and process behind the guidelines, noting that the drafters had identified a need for guidance with regard to the scope of the right, the meaning of participation in policymaking, and related issues. She emphasized that the question concerned not only the rights to participate, to be consulted or to have access to information, but also direct participation in the drafting of laws and policies. The drafters of the guidelines were also looking into the impact of the overall enabling environment for civil society and individuals and how it contributed to participation, and into the different rights that constituted preconditions for participation. Ms. Hadzi-Miceva Evans noted that the drafters had also tried to identify the tools and processes that could enhance the right to participate in public affairs.

13. In the discussion that followed the panellists' presentations, questions were raised regarding the sources of State obligations with regard to the right to participate in public affairs, other than the International Covenant on Civil and Political Rights, and about how to assess the quality of elections. Questions were also raised about how to effectively foster real and meaningful participation by civil society, not only within the framework of elections but also outside electoral processes. A delegate from one Member State noted that the expert workshop provided a conceptual basis for future Human Rights Council resolutions on the right to participate in public affairs as well as on other rights. A number of delegates spoke about whether the effective implementation of article 25 of the Covenant could benefit from the development of additional guidance. Mr. de Frouville suggested a number of options to that end: (a) collecting good practices, which would be a useful basis for considering any possible revision of general comment No. 25 in the future; (b) drawing on the work carried out by other treaty bodies, particularly by the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of Persons with Disabilities; and (c) developing guidance through the Human Rights Council, particularly on issues of participative and deliberative democracy, and on norms relevant to those forms of democracy, and on issues of citizenship, including on citizens' involvement with decision-making processes at the international level. The possibility for treaty bodies to adopt a joint general recommendation on the right to participate in public affairs was also raised.

14. A delegate from one Member State referred to that State's draft law on participation in public affairs, explaining that it contained a binding set of requirements, such as the obligatory nature of public consultations; direct forms of consultation, including through workshops and seminars; and the obligation to provide a justification when consultations were not held. Questions were asked about how to distinguish between lobbyists' and citizens' participation, and whether it was obligatory to publicize the outcome of consultations. A delegate from another Member State asked questions about the links that existed between different types of democracy, about how civil society could be encouraged to use the existing legal framework to its advantage and about how the quality of the legal framework and its implementation could be assessed. A representative of an NGO referred to the potential benefit of using the universal periodic review to monitor how States implemented the right to participate.

B. Current challenges to the implementation of the right to participate in public affairs

15. Lenka Homolkova, election adviser to the European Union Special Representative in Afghanistan, focused her intervention on practical challenges to implementation of the right to vote and to be elected, as integral components of the right to participate. She noted that, over the past several years, discussions on the right to participate had taken place against the background of shrinking space for civil society globally. She also emphasized that restrictive measures affecting civil society had an impact on the right to vote and to be elected, as civil society was so crucial for supporting electoral rights through their awareness-raising activities and when making observations and recommendations for improvement. She added that participation in elections was generally declining in established democracies, which was probably linked to dissatisfaction with political processes.

16. Ms. Homolkova highlighted the increasing interest in the electoral cycle approach, which focused not only on events on election day but on the whole election cycle. She discussed the individual elements of the right to vote and to be elected, which included periodic and genuine elections based on universal and equal suffrage, the secret ballot, and the rights to vote and to stand as a candidate. Important questions were raised about unduly and extensively delayed elections and the positive obligations of States in that regard, and about how best to guarantee universal and equal suffrage. Ms. Homolkova referred to less visible types of discrimination preventing the equal exercise by some persons of the right to vote and to be elected, such as the absence of voting stations reserved for women in some cultural contexts, disenfranchisement for detainees and persons declared bankrupt or insane, and restrictions on the grounds of intellectual or psychological disability. Another issue that remained unresolved was the restriction of electoral rights for the military and the police, as well as for electoral officials. The right to participation and associated rights (right to freedom of expression, right of peaceful assembly, right to freedom of association and right to liberty of movement) were further challenged by threats, intimidation and corruption. Finally, Ms. Homolkova discussed structural inequalities hindering the right to vote and to be elected, such as poverty, physical barriers, infrastructural and social obstacles, and insecurity.

17. Pramila Patten, a member of the Committee on the Elimination of Discrimination against Women, focused on challenges faced by women and highlighted the pervasive democratic deficit reflected in an unbalanced representation of women in both public and political life. No political system, she said, had conferred on women the right to full and equal participation. The public and private spheres continued to be considered distinct, with women invariably being assigned to the latter while public life continued to be dominated by men. Women continued to face serious limitations to holding public office, and their underrepresentation was the common feature of most political arenas. She drew attention to recent statistics showing that, as at 1 April 2016, the proportion of women in parliaments worldwide averaged a mere 22.7 per cent. While the overall trend in regard to women's participation was inching upwards, this was happening at a slow rate. The past four years had seen an increase of only 3.1 per cent in the average proportion of women in parliaments worldwide. Ms. Patten recalled that the Convention on the Elimination of All Forms of Discrimination against Women, an instrument that enjoyed nearly universal ratification, emphasized women's participation in public life. She provided a summary of relevant provisions, such as article 7 of the Convention on the Elimination of All Forms of Discrimination against Women and the interpretations reflected in general recommendations of the Committee on the Elimination of Discrimination against Women such as general recommendation No. 23 (1997) on political and public life, general recommendation No. 25 (2004) on temporary special measures and general

recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations.

18. Ms. Patten discussed examples of recent legislative improvements in various countries in regard to women's participation. She noted that an overall examination of State parties' reports to the Committee had shown that, while some countries had made progress, women continued to face significant discrimination in relation to their participation in public and political life, in all geographic regions. The reasons behind the underrepresentation of women were multifaceted and complex and included economic, social and cultural issues, structural and societal barriers, and deeply entrenched gender roles and gender stereotypes, as well as intersectional discrimination. The challenges to women's participation included non-compliance with legal guarantees regarding quotas, and their lack of enforcement, persistent traditional and patriarchal attitudes, limited access to political networks, insufficient capacity-building and campaign funding for potential women candidates, and the underrepresentation of particularly disadvantaged groups such as young women, women with disabilities and women belonging to minorities. Issues of citizenship and statelessness also prevented women's participation, in light of a large number of reservations to article 9 of the Convention on the Elimination of All Forms of Discrimination against Women. Other challenges included the lack of an enabling environment and of a regulatory framework for the operation of women's associations, as well as the harassment of women human rights defenders.

19. Catalina Devandas Aguilar, the Special Rapporteur on the rights of persons with disabilities, recalled that participation was central to persons with disabilities, and indeed was one of the central goals of the Convention on the Rights of Persons with Disabilities. She drew attention to the fact that persons with disabilities constituted 15 per cent of the world, a number commensurate with the population of the Americas, but had as yet had limited participation in public affairs in many societies in the world. Referring to her report to the Human Rights Council which addressed the right of persons with disabilities to participate in decision-making (see A/HRC/31/62), she noted that persons with disabilities continued to face significant barriers to participation in public life, and often had their views disregarded in favour of those of their families, of doctors or other professionals, of organizations for persons with disabilities (and not organizations of persons with disabilities), or of other groups of "experts". She also noted that the denial or restriction of legal capacity often triggered a denial of political rights to certain persons with disabilities, especially the right to vote and to be elected on an equal basis with others. She recalled that participation was key in order to promote agency and empowerment of persons with disabilities and to ensure better decisions that benefited persons with disabilities. The Special Rapporteur emphasized that the Convention on the Rights of Persons with Disabilities represented a profound paradigm shift in international human rights law whereby persons with disabilities were not "objects" to be cared for, but rather "subjects" enjoying human rights on an equal basis with others, including the fundamental right to participation in public affairs. As provided in the Convention on the Rights of Persons with Disabilities, States must actively consult with persons with disabilities and guarantee them the right to vote and to be elected, access to public services, and the right to participate in the conduct of public affairs, including in public decision-making.

20. On the subject of remaining challenges, Ms. Devandas Aguilar mentioned paragraph 4 of the Human Rights Committee's general comment No. 25, which allowed limitations for persons with psychosocial disabilities in terms of the exercise of their right to vote. At the national level, the challenges included accessibility (both in terms of physical accessibility and of access to information), restrictions on being elected and holding public office, and directly discriminatory provisions against persons with disabilities. She stated that in order to ensure meaningful participation of persons with disabilities, there needed to be consultation and constant engagement by the State with

representative organizations, led and controlled by persons with disabilities. The Special Rapporteur noted that policies directly affecting persons with disabilities were not simply disability policies but policies affecting all human beings. Therefore, States should ensure accessibility, non-discrimination, awareness-raising and good faith, in implementing their obligations. While the Internet had allowed for more participation, it needed to be accessible. Physical accessibility to places of consultation was another challenge, and there needed to be special outreach efforts to ensure the participation of persons in need of extensive support. In conclusion, the Special Rapporteur emphasized that any guidance on the right to participate in public affairs should be inclusive of persons with disabilities, in line with the Convention on the Rights of Persons with Disabilities.

21. Dana Sofi, a representative of the Reform Institute for Development, developed further the issue of challenges to the right to participate, from the perspective of minorities and other disadvantaged groups in Iraq. He noted that the right to participate was embedded in national legislation, that in 2015 a compact on partnership and development had been developed between the government, the parliament and NGOs in Kurdistan, and that such a compact was unique in the Middle East and North Africa region. In order to build a democratic society, the involvement of NGOs and of all members of society was crucial. Despite legal endorsement of the right to participation, implementation remained a challenge, due to the operations of the so-called Islamic State in Iraq and the Levant, the economic crisis and other issues. By way of example, Mr. Sofi referred to the lack of awareness of rights, including of the right to participate, which led to the systematic exclusion of poorly educated people.

22. Other challenges related to diverse administrative restrictions, including security procedures, bureaucratic requirements, or late notification from the authorities for the holding of consultations. Yet another challenge to the exercise of the right to participate was the lack of regulations to implement the right in practice. Mr. Sofi also referred to the existing selective approaches to participation, noting that only civil society associated with the government and political parties was able to participate. He noted that out of all the NGOs registered in Kurdistan, only 1 per cent represented minorities, which demonstrated their systematic exclusion. In the parliament there was a quota system for minorities, but in practice those with a connection to political parties were elected to represent minorities. Mr. Sofi identified the underdeveloped communications system as being a challenge to participation in Iraq. In particular, he noted the lack of connection via modern technologies between the new generation and politicians and political institutions. Although the use of technology could be a good solution for the inclusion of new generations, Mr. Sofi concluded that, in the context of Iraq, public participation was at present mostly restricted to elites.

23. Alicia del Aguila, a journalist and country expert with the Varieties of Democracy Project (V-Dem), discussed challenges to the right to participate from a gender and intercultural perspective. She emphasized that gender discrimination cut across many different aspects of life. She drew attention to the problem of "collective expectations", in particular the public expectation for leaders to be men rather than women, and the assumption that women were never going to be the first option for leadership positions. She noted that men "did" politics, whereas women were simply "associated with" politics. Ms. del Aguila gave an example of how such stereotypes were carried forward and sustained, through campaigns, among the public, and in the media and academic discourse. To address this situation, she highlighted the importance of affirmative action measures, such as the introduction of quotas. She also noted that other types of communication should be mobilized, particularly where the attitudes and opinions of young people were concerned. Internet initiatives such as blogs (e.g. www.allmalepanels.tumblr.com) could help raise awareness and lead to greater diversity in discussions of public affairs and in different professional spheres.

24. Ms. del Águila drew attention to additional layers of discrimination faced by indigenous women. Despite some advances for indigenous people, it was noted that work related to such discrimination was still very much in progress, with the media sometimes perpetuating stereotypes. Discrimination was a reality, not only in formal political spheres but also at the community level and in some traditional indigenous legal systems. She stressed the need for support for indigenous women leaders to ensure that local laws were respectful of the equal rights of men and women.

25. In the discussion that followed the presentations, reference was made to the Sustainable Development Goals, particularly goals 5 and 16, and to possible links between the Sustainable Development Goals and human rights treaties to give effect to full and meaningful participation. The role of international cooperation and of universal and regional mechanisms to ensure the removal of barriers to effective participation was also underscored. It was stated that illiteracy was one of the cross-cutting issues that impacted on the right to vote and to be elected, and that it should be subject to more detailed guidance. Participants also noted that lack of access to information was one of the barriers to holding governments accountable and ensuring meaningful participation. The importance of quotas for women and minorities was emphasized.

C. Innovations and trends in regard to the right to participate in public affairs

26. Fernando Mendez, a representative of the Centre for Research on Direct Democracy, made a presentation on voter advice applications. Highlighting four aspects of democracy (transparency, participation, spaces of deliberation, and citizens' contestation), Mr. Mendez singled out the aspects that were targeted by different technological tools. He spoke about voter advice applications that were focused on increasing participation and transparency in the political marketplace by better matching the policy preferences of citizens with the existing political options. He defined voter advice applications as digital tools designed to enhance voter education by matching the policy preferences of the user with the main positions of the parties defined in the system.

27. Mr. Mendez noted that voter advice applications had originated in the 1990s as a paper-based system. They had then been developed further, for the Internet and social media, particularly in institutional environments where many parties operated. He noted that, as we were witnessing increased party system fragmentation and electoral volatility, users were turning to these tools for information about the policy positions of parties. He stated that voter advice applications were highly popular, and that according to estimates, up to 40 per cent of the electorate in Europe consulted such tools. Mr. Mendez also highlighted the existence of evidence that these applications were boosting political participation, especially among young people. He distinguished two types of voter advice application, one based on candidates and the other based on parties. He concluded that voter advice applications could level the political playing field by giving exposure to minor parties. Voter advice applications allowed candidates to bypass the monopoly of organized parties and contributed to the promotion of independent candidates. However, since voter advice applications represented a significant intervention in the electoral context, the questionnaires used for the applications had to be carefully designed and needed to provide safeguards in regard to data protection and security.

28. Beth Simone Noveck, co-founder of the Governance Lab at New York University, discussed different trends in the use of technologies to increase public participation. She noted that over the past few years there had been a significant uptake of technology for participation. Increasingly, there had been a shift away from asking people about what they felt, with a view to creating more robust forms of engagement that went beyond mere

dialogue. Platforms inviting people to share their ideas about what governments should do were generally based on their opinions and had not resulted in strong forms of participation. Therefore, people were being asked to contribute substantively, with the aim of tapping meaningfully into what they knew and could do. There was a move towards asking people questions in a more structured way with a view to actually implementing what they suggested, for example on how to improve legislation and policies.

29. Ms. Noveck noted that the challenge with most participation efforts was that, for the most part, they were designed as an open call. Such efforts were limited in the way they enabled people to engage. As a result, several engagement efforts had failed because they had focused on the input without regard to the output. According to Ms. Noveck, recent developments were directed at using technology to maximize the opportunity to participate, by engaging people who were passionate and knowledgeable on a topic. Ms. Noveck noted that crowdsourcing wisely was better than crowdsourcing widely. She stressed, however, that such an approach was not meant to impact on the right of everyone to participate.

30. Caroline Ouaffo Watang, regional gender adviser at the OHCHR regional office for West Africa, highlighted the steady change in the democratic space, not only in terms of the players involved but also regarding the forms of participation. She noted, in particular, the shift from individual to collective forms of participation through a variety of tools, approaches and strategies, including networks. Ms. Ouaffo Watang also highlighted examples of best practice in regard to the use of new technologies. Referring to various other practices that had proved successful in increasing participation, Ms. Ouaffo Watang cited a number of activities such as training sessions for awareness-raising and to build the capacity of people to engage in public speaking, including workshops where women were given their first opportunity to speak in public. She also gave the example of Burkina Faso, where the introduction of quotas had had a positive effect by increasing women's participation by 30 per cent.

31. Maria Luisa Sotomayor, global U-report coordinator for the United Nations Children's Fund (UNICEF), provided an overview of the experience of UNICEF in using technology to promote the right to participate among young people. U-report, she said, was a social messaging tool designed to give young people and communities a chance to voice their opinions and create positive change. She explained how U-report teams in each country communicated instantly via various phone- and web-based channels. U-reporters ran weekly polls on issues affecting them, such as HIV/AIDS, violence, security, emergencies, crises, disease outbreaks, elections, and government programmes. The results of the polls were made available on public websites so that real-time data could contribute to achieving social change on the ground. The outcomes of polls were also broadcast through other media channels. A range of different channels of communication could be used by young people, depending on how they wanted to participate, including WhatsApp, Twitter, Telegram, SMS, the U-report application, and other means best fitting the context of each country. Ms. Sotomayor stated that the U-report could gather basic user data and was therefore able to channel polls targeting a specific interest group. The U-report programme would be launched in 11 countries in 2016. Currently, U-report was engaging with over 2 million young people and ensuring that their voices were heard on issues affecting their lives.

32. In the discussions that followed, participants debated issues around access to technologies aimed at increasing the participation of people, including members of disadvantaged groups and people in lower-income countries and rural areas. The possibility of using technology for engaging with multilateral organizations was also raised. It was suggested that recommendations on enhancing participation should go hand in hand with ways of dealing with other issues, and in particular with efforts related to education on the sharing of responsibilities in the domestic sphere. Speakers also stressed the role of

technologies in disseminating information, and provided examples of the use of technologies that did not require an Internet connection to increase opportunities for participation. In that regard, tools such as smartphone applications used by OHCHR in Cambodia and in Africa were mentioned as practical ways to overcome communication barriers. It was suggested that best practices in using technologies to support the exercise of the right to participate in public affairs be collected and further disseminated. Participants emphasized that ICT tools for participation may require further regulation, particularly in order to ensure respect for the right to privacy, including through adequate protection of personal data.

IV. Main observations and recommendations

33. **The right to participate, as provided in article 25 of the International Covenant on Civil and Political Rights, is the foundation of a democratic government based on the consent of the people. States should ensure that all individuals, from all sectors of society, can exercise their right to participate in public affairs. Effective implementation of this right goes beyond periodic elections, and resilient democracies require meaningful participation.**

34. **Shrinking democratic space, violence and conflict, insufficient political will, and attempts by incumbents to hold on to power, as well as underlying structural inequalities such as poverty, illiteracy, discrimination and exclusion, remain major challenges for the implementation of the right to participate.**

35. **Therefore, States should ensure the elimination of discrimination, including intersectional and multiple forms of discrimination, and of other challenges that often prevent the full participation of women and members of marginalized groups such as indigenous peoples, minorities, and persons with disabilities. Such discrimination ranges from gender stereotyping to a lack of representation of women and members of minorities in State institutions including executive and legislative bodies, to physical and communicational barriers that render polling stations inaccessible to persons with disabilities.**

36. **An enabling environment that permits an active civil society to develop and institutions that effectively and impartially enforce the rule of law constitute preconditions for the implementation of the right to participate in political life and public affairs. Respect for the right to freedom of opinion and expression, the right of peaceful assembly and the right to freedom of association is also a fundamental prerequisite for the exercise of the right to participate in public affairs. The right of access to information, together with communication and accessibility of such information, is also crucial. In addition, consultation with concerned individuals and specific groups and their direct participation in the drafting of laws and policies affecting their human rights are essential for the full exercise of the right to participate.**

37. **ICT tools enhancing participation in political life and public affairs should be explored further and good practices on how these tools can be used to foster participation should be compiled and disseminated. These tools should be made widely accessible, including for persons in remote areas and for persons with disabilities. Further work may be needed, however, to ensure that these tools comply with human rights norms and standards, in particular with regard to the right to privacy.**

38. The right to participate in public affairs is provided for in several international human rights treaties, particularly in article 25 of the International Covenant on Civil and Political Rights, article 7 of the Convention on the Elimination of All Forms of Discrimination against Women and article 29 of the Convention on the Rights of Persons with Disabilities. These provisions constitute the main guidance regarding the scope of this right and how to ensure its full implementation.

39. Further guidance may be needed to strengthen and facilitate the implementation of the right to participation in public affairs in electoral contexts but also outside such contexts, including with regard to the scope of the right and to citizen participation in decision-making in regional and international institutions.

40. The development of guidance on the right to participate should involve those individuals affected, including persons with disabilities, in line with the Convention on the Rights of Persons with Disabilities. Such guidance should be made accessible to all concerned.

41. International human rights mechanisms, including international human rights bodies and the Human Rights Council, as well as all relevant stakeholders, are encouraged to continue exploring these issues and help in recording good practices to ensure the promotion and protection of the right to participate in public affairs, as well as to provide guidance in the matter.

42. While general comment No. 25 of the Human Rights Committee on article 25 of the International Covenant on Civil and Political Rights has not lost its relevance, it would benefit from an update and clarifications in certain areas, such as the participation of specific groups, and alternative forms of participation. Treaty bodies may also wish to consider the possibility of issuing a joint general comment or a joint statement on the right to participate in public affairs, drawing on their jurisprudence and practice in this area.

43. The need for improved participation is highlighted by the 2030 Agenda and its Sustainable Development Goals, particularly goals 5 and 16. Consideration should be given to ways to ensure participation in the follow-up to the implementation of the Sustainable Development Goals during national reviews. The right to participate should also be systematically included in assessments of States during the universal periodic review.

United Nations A/HRC/33/26

General Assembly

Distr.: General
3 August 2016

Original: English

Human Rights Council
Thirty-third session
Agenda items 2 and 3
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Outcome of the high-level panel discussion on the occasion of the tenth anniversary of the Human Rights Council

Summary report of the Office of the United Nations High Commissioner for Human Rights

Summary

The present report is submitted pursuant to Human Rights Council decision 31/115. It provides a summary of the high-level panel discussion on the occasion of the tenth anniversary of the Human Rights Council, focused on its achievements and challenges, held on 13 June 2016, during the thirty-second session of the Council.

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I. Introduction

1. Pursuant to its decision 31/115, the Human Rights Council held a high-level panel discussion on 13 June 2016 on the occasion of the tenth anniversary of the Human Rights Council, focused on its achievements and challenges.

2. The panel discussion was chaired by the President of the Human Rights Council, Choi Kyonglim. It opened with statements by the Deputy Secretary-General, Jan Eliasson, and the United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein.

3. The meeting provided an opportunity for States, international organizations and other relevant stakeholders to underline and reiterate the commitment to the universal promotion and protection of human rights for all, and to reflect on the achievements and challenges of the Human Rights Council.

4. The panel was moderated by the Deputy High Commissioner for Human Rights, Kate Gilmore. The panellists included the nine former presidents of the Human Rights Council: Joachim Rücker (Germany), Baudelaire Ndong Ella (Gabon), Remigiusz Achilles Henczel (Poland), Laura Dupuy Lasserre (Uruguay), Sihasak Phuangketkeow (Thailand), Alex Van Meeuwen (Belgium), Martin I. Uhomoibhi (Nigeria), Doru Costea (Romania) and Luis Alfonso de Alba (Mexico) (by video message); as well as former Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque, and United Nations Advocate at Human Rights Watch, Laila Matar.

II. Opening session

5. The President of the Human Rights Council noted in his opening remarks that, since its first session 10 years ago, the Council's work in promoting and protecting human rights had indeed led to significant results worldwide, but the Council was still young and much work still remained for it to reach its full potential. The victims and the vulnerable looked to the Council for protection and the world pleaded with it to find solutions to grave situations. Every person deserved to fully enjoy their human rights. As the world's premier body on human rights it was the Council's duty to make that a reality.

6. The Deputy Secretary-General highlighted the universal periodic review, which shone a light on all corners of the world and presented, for the first time, a picture of the global state of human rights. The Council's special procedures had played a pivotal role in highlighting specific human rights issues around the globe and had helped shape the Council's agenda to cover an impressive breadth of themes. They fostered critical national discourse on human rights and also acted as early warning and action mechanisms. The Council also played a role in sounding alarm bells ahead of impending or worsening crises, drawing global attention to deteriorating situations through its special sessions, seeking urgent responses and reminding States to fulfil their human rights obligations by placing victims in the centre. The Council was also a force for responding to protracted crises. Its commissions of inquiries and fact-finding missions underscored the need for accountability and stressed the importance of combating impunity and ensuring justice. The Council had amplified the vital voice of civil society and the grassroots activists who complemented its own work. Finally, its discussions in Geneva had stimulated debates in the Security Council and the General Assembly in New York, strengthening the links between peace and security, development, and human rights – the three pillars of the United Nations.

7. However, he noted these were troubled times and it was not possible to say that the work was done. Tensions and deadly conflicts were on the rise, often exposing blatant disregard for human rights and international humanitarian law. The number of refugees and displaced persons was at an all-time high – over 60 million people: they were desperately seeking safety and a better life, and yet often faced closed borders, walls and hostility. Terrorism and violent extremism were serious threats to international peace and security. Terrorists and violent extremist groups wanted to create fear, which in turn could lead to polarization and division in societies and thus undermine the fundamental truth of the equal worth of all human beings. He noted, however, that there were situations where abuses were committed under the banner of fighting terrorist groups. Also, the space for civil society and the media was shrinking in many parts of the world and human rights defenders often faced threats and violence. At the same time, perpetrators of human rights violations, more often than not, went free, leaving victims to struggle for decades for accountability. Another disturbing reality was the continued discrimination and violence against women and girls everywhere. Unprecedented levels of inequalities within and between nations reminded of the need to place advancement of economic and social rights on a par with civil and political rights. Deep social and economic crises and injustices and the devastating effects of climate change contributed to leaving the human rights promise of the Charter of the United Nations and the Universal Declaration of Human Rights unfulfilled for far too many people around the world.

8. Those negative trends must be reversed and human rights violations must be prevented. The Deputy Secretary-General highlighted some of the available tools, including the 2030 Agenda for Sustainable Development and the commitment therein to leave no one behind and start with those furthest behind, as well as the Secretary-General's ground-breaking Human Rights Up Front Initiative, based on promoting early warning, on principled and coordinated United Nations action and on closer engagement with Member States in a spirit of dialogue, transparency and cooperation. Finally, there must be a commitment to adopt human rights-based approaches to development that builds on free, active and meaningful participation, accountability, non-discrimination in all areas, including sexual orientation, equality and the empowerment of all.

9. The United Nations High Commissioner for Human Rights said that the Council had set up unprecedented processes for scrutiny of human rights issues and situations. It had initiated vital investigations into new crises and chronic violations and formulated crucial recommendations. The Council's embrace of civil society was unmatched by any forum in the United Nations system, which contributed greatly to the Council's relevance. As the world's most authoritative forum on human rights, it was vital that the Council intensified its focus on improving the implementation of human rights commitments on the ground to ensure that the Council's work became much more consequential. Looking ahead to the next 10 years, he expressed hope that all actors would be addressing the root causes of human rights violations much more forcefully.

10. Members of the Council needed to ensure that they consistently promoted all human rights within their own countries. They could also ensure that their development assistance policies worked to encourage other States to implement the recommendations of the human rights mechanisms, and to uphold human rights. The Council could take a leadership role in the drive for much more systematic follow-up to recommendations. On that point, his Office would be publishing good practices on coordinated national follow-up to human rights recommendations, which he hoped would inspire all Member States.

III. Summary of the panel discussion

11. Opening the panel as moderator, the Deputy High Commissioner for Human Rights said that the session was unprecedented in a number of ways, including because of the full participation of representatives from all 193 States Members of the United Nations. She introduced the former Presidents of the Human Rights Council as participants in the panel discussion. She invited the panellists to appraise the Human Rights Council.

A. Contributions of panellists

12. Mr. de Alba, in a video message, highlighted the space opened up by the Council for the participation and interaction of different governmental and non-governmental actors with the special procedures and called for its reinforcement. The universal periodic review mechanism had been the new tool that had allowed the Council to bring a broader, more integrated and more balanced vision to human rights, and he called upon the Council to ensure that the universal periodic review continued to evolve into a more in-depth exercise. The relationship with the special procedures should be strengthened and the Council should begin an exercise to become more focused, as the number of special procedures had increased excessively and not necessarily in a complementary manner. Finally, he stressed the need for the Council's relationship with the General Assembly and other United Nations bodies to evolve into that which it was originally intended, namely, that the Council was actually a responsible and last resort body and that its decisions were not challenged in the General Assembly, let alone by the Third Committee. That relationship with the Assembly, a relationship that should also extend to the Security Council and other organs, was one of the main outstanding tasks of the Council. States also needed to regain the sense of individual responsibility in the Council, rather than resorting increasingly to group positions and defensive attitudes.

13. Mr. Costea noted that the universal periodic review was a real accomplishment of the Council, although it could work better with the support of governments. When asked about the worst moment during his presidency, he referred to the challenges emanating from the application of United Nations documentation rules to the documents for the universal periodic review for the first time.

14. Ms. Dupuy Lasserre recalled that one of the messages that had emerged from the first high-level panel on human rights mainstreaming was how working on respecting women's rights would lift millions out of poverty. That was a strong message, which must be heard. She hoped that through the universal implementation of the Sustainable Development Goals no one would be left behind and that the international community would combat violence against women and all forms of discrimination, among other things. It was those goals that brought together all human rights, including the right to development and fundamental freedoms, which allowed the growth of inclusive and democratic societies.

15. Mr. Uhomoibhi said that one of the most enduring attributes of human rights was their universality. In comparison with the Commission on Human Rights, the Council upheld that principle, ensuring that the issues that it discussed were truly global and universal and that everyone, including civil society, was allowed to participate and be a part of the process.

16. Ms. Matar said that the Council represented a hope for victims of human rights abuses all around the world. Civil society had been a part of some of the most successful outcomes of the Council, bringing in information and working closely with delegations to come up with creative solutions. However, challenges remained to civil society space and its place at the table. Acts of intimidation and reprisals against human rights defenders that

engaged with the Council and its mechanisms unfortunately continued and the global crackdown on civil society carried on. She pointed out that a prominent human rights defender who attended the Council many times had been arrested on that very same day.

17. Mr. Rücker said the Council did well in addressing freedoms of expression and of assembly and had become the central political forum for addressing human rights worldwide, including through the universal periodic review. When looking back at the previous 10 years, there were reasons to be proud and reasons not to be satisfied. When he had taken over the presidency he had identified three topics to be focused on: strengthening the relationship between New York and Geneva, including cooperation between the Human Rights Council and the Security Council; the need to become more efficient in view of tremendous inflation of the agenda of the Human Rights Council; and the need to have more impact on the ground.

18. Mr. Henczel said that the universal periodic review was a success, as the only mechanism that examined the human rights in all Member States in an equal manner. The Council should focus even more closely on implementation of the recommendations ensuing from the universal periodic review. Unsatisfactory progress of implementation was often the result of insufficient funds, especially in the case of the least developed countries. Recommendations submitted to those countries that required large investment should be directly linked to pledges of finance or technical assistance. The High Commissioner for Human Rights should highlight more clearly the assessment of the level of implementation of accepted recommendations. It could perhaps issue an implementation assessment report ahead of the review of every State.

19. Mr. Ndong Ella said that the Council now enjoyed a degree of authority, dignity and credibility. Most of the topics that were not resolved in the Security Council were dealt with by the Human Rights Council. During his mandate, with the permanent members of the Security Council and emerging States as members of the Human Rights Council, there had been a threat of politicization, polarization and confrontation. However, a constructive dialogue had been achieved. The Council was a victim of its own success in terms of the increasing number of meetings and resolutions. There was a need for a discussion with the Administrative and Budgetary Committee regarding the insufficient funding for the Office of the United Nations High Commissioner for Human Rights for the implementation of Council mandates.

20. Mr. Van Meeuwen stressed that to outsiders it often seemed that the Council sought agreement and consensus at any cost, even at the cost of lowering ambition and betraying its own mission. However, it was important to look into the political context in which the Council operated, and seeking consensus often brought about a lot of political agreement. There had been a situation when the Council had been at a stalemate for about 48 hours and tense moments that could even have jeopardized the human rights system itself, but the Council managed to succeed with the support of the Secretariat.

21. Ms. de Albuquerque recalled one of the achievements of the Council – the adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, over whose negotiations she had presided. As a Special Rapporteur, it was very rewarding to hear in interactive dialogues of the progress reported by some countries in implementation at the national level of recommendations of the Special Rapporteurs in the context of their country missions. Some of the challenges included not being allowed to visit certain countries, the lack of resources and the lack of follow-up and implementation of recommendations. She also regretted the lack of support to human rights by some members of the United Nations family.

22. Mr. Phuangketkeow recalled the challenges during the review of the Human Rights Council in 2010-2011 over which he presided. At first there had been no agreement on the scope of the review, until it was decided that everything would remain on the table and nothing would be agreed until everything was agreed. The outcome document represented the limited areas of agreement that States had been ready to reach. The success of the Council should not be measured by the number of resolutions, but by the impact it made on the ground and to what degree it addressed the lives of people. A key question during the review process was how to do better in addressing urgent situations and which tools, in addition to special sessions, it could use to engage the concerned country early on, voluntarily and constructively. The Council had considered voluntary briefings by the country concerned, closed-door sessions and informal dialogue with the country concerned. However, those formats could not be agreed upon because one side wanted to require the consent of the country concerned, while the other wanted not to have that requirement and have an automatic trigger mechanism. The conversation on how to deal with urgent situations was important to the credibility of the Council and should continue between now and the next review of the Council.

B. Interactive discussion

23. During the plenary discussion, the following States and other stakeholders delivered statements:

(a) Representatives of States members of the Human Rights Council: Bangladesh, China (on behalf of a group of countries), Cuba (on behalf of a like-minded group of countries), Ecuador, Morocco (on behalf of International Organization of la Francophonie), Portugal, Qatar (on behalf of the Arab Group), Saudi Arabia, South Africa (on behalf of the African Group), Switzerland (on behalf of a group of countries), the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland (on behalf of a group of countries) and Viet Nam (on behalf of the Association of Southeast Asian Nations);

(b) Representatives of observer States: Brazil (on behalf of the Community of Portuguese Language-speaking Countries), Costa Rica (on behalf of a group of countries), the Dominican Republic (on behalf of the Community of Latin American and Caribbean States), Egypt (on behalf of a group of countries), Honduras, Iceland (on behalf of the Group of Nordic Countries), Ireland (on behalf of a group of countries), Pakistan (on behalf of the Organization of Islamic Cooperation) and Rwanda (on behalf of a group of countries);

(c) Representatives of intergovernmental organizations: the European Union;

(d) Representatives of national human rights institutions: the Global Alliance of National Human Rights Institutions;

(e) Representatives of non-governmental organizations: the Arab Commission for Human Rights, CIVICUS – World Alliance for Citizen Participation (on behalf of a group of non-governmental organizations), the International Service for Human Rights (on behalf of a group of non-governmental organizations) and Rencontre Africaine pour la defense des droits de l'homme;

(f) Representatives of other entities: the International Committee of the Red Cross.

24. A number of additional participants requested the floor during the panel discussion but could not deliver their statements owing to a lack of time:

(a) Representatives of States: Afghanistan, Albania, Armenia, Australia, Bahamas, Belarus, Bolivia (Plurinational State of), Botswana, Brazil, Canada, Chile, Colombia, Congo, Côte d'Ivoire, Croatia, Cuba, the Czech Republic, the Democratic Republic of the Congo, Egypt, El Salvador, Estonia, Gabon, Georgia, Ghana, Greece, Guatemala, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, Jordan, Kuwait, Kyrgyzstan, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Malaysia, Maldives, Monaco, Morocco, Namibia, Nigeria, Pakistan, Panama, Peru, Philippines, Qatar, the Republic of Korea, the Russian Federation, Saint Kitts and Nevis, Sierra Leone, Singapore, Spain, Sudan, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam and Zambia;

(b) Representatives of intergovernmental organizations: the Council of Europe, the International Development Law Organization and the World Trade Organization;

(c) Representatives of non-governmental organizations: American Association of Jurists, China NGO Network for International Exchanges, Indian Council of South America, Khiam Rehabilitation Center for Victims of Torture, Organisation internationale pour les pays les moins avances, Organization for Defending Victims of Violence, United Nations Watch and Verein Sudwind Entwicklungspolitik.

25. Many speakers highlighted the achievements of the Council, such as: the enhancement of the international human rights system, including through special procedures and the universal periodic review; raising global awareness of human rights and mainstreaming human rights within the United Nations system; drawing attention to emerging human rights situations; developing cooperation with national human rights institutions; and providing a space for civil society and human rights defenders to be heard.

26. Speakers welcomed the role of the Council in advancing human rights and fundamental freedoms through constructive dialogue. Many speakers stressed the need to respect the principles of universality, impartiality, objectivity, non-selectiveness, transparency, constructive dialogue and cooperation within the work of the Council. They also called for the promotion of all human rights and fundamental freedoms in an equal and balanced manner, including the right to development. In that regard, speakers commended the universal periodic review, which benefited from the participation of all Member States and the implementation of its recommendations on the ground. Speakers also welcomed the efforts of the Council to offer technical cooperation and capacity-building for human rights, particularly to developing countries, with the support of the Office of the High Commissioner. They also called on the Council to promote a range of other issues, such as human rights education and training, the rule of law and multilingualism.

27. Various speakers addressed issues relating to institution-building, including: the review of the subsidiary relationship of the Council with the General Assembly in 2021; preserving the mandate of the Council in accordance with General Assembly resolution 60/251; promoting the commitment of States members of the Council to uphold the highest standards of human rights, cooperate with the Council and its mechanisms, and refrain from abusing procedural devices; focusing more attention on the implementation of recommendations and decisions of the Council and its mechanisms; developing the interaction of the Council with the treaty bodies; and taking steps to ensure that the volume of work did not undermine the substantive impact of the Council.

28. Several speakers addressed issues related to the work of the Council with civil society, including: expanding the participation of national human rights institutions; enhancing the participation of civil society and implementing a comprehensive policy on

intimidations and reprisals against those cooperating with the Council; providing more space for civil society to organize events on the margins of the Council; promoting the participation of a greater number of non-governmental organizations in the Council; and advancing constructive dialogue.

29. Several speakers highlighted the need for the Council to respond adequately to situations on the ground and focus more attention on early warning and prevention of situations that can lead to mass atrocity crimes, including genocide, war crimes, ethnic cleansing and crimes against humanity. In that regard, they noted the utility of information provided by the High Commissioner, special procedure mandate holders, the treaty bodies and civil society. Some speakers called on the Council to commit to addressing human rights situations raised by the Secretary-General, the High Commissioner or the special procedure mandate holders, and addressing other human rights situations based on objective criteria. They also called for accountability for human rights violations to be upheld.

C. Responses and concluding remarks

30. The moderator noted that, during the discussion it had been noted that the performance of the Council in some areas seemed to have been reasonable and there had been no mention of any failure. The Council had been encouraged to do better in emergencies and in prevention. There had been a call for expansion of civil society space. Comments had been made on the struggle against impunity, but also encouragement had been given for much greater education and promotion of human rights. Some concerns had also been expressed about the performance of the Council with regard to balance, universality and indivisibility. The question was where the Council should improve.

31. Ms. Dupuy Lasserre said it was necessary to go beyond the discourse of cultural diversity versus human rights; cultural diversity could not be invoked to undermine those rights that were inherent to all people. The Universal Declaration of Human Rights is an imperative norm in international law and therefore the Council must never passively accept acts of slavery, violence against women, hate crimes and so on. The Council had to act preventively and generate national capacity and the necessary political will.

32. Mr. Henczel stressed that everything necessary must be done to save the universality of the universal periodic review mechanism and to avoid the existing tendency towards bilateralization of the process; territorial disputes, for example, should not be raised during the review. The Office of the High Commissioner and the Council should confront the growing workload, including the growing number of panels, debates and resolutions, which most delegations were not able to follow, particularly small and medium-sized missions in Geneva.

33. Mr. Uhomoibhi called on the Council to strengthen its role in preventing crises. As there was no alternative to the Human Rights Council, a world without the Council could not be contemplated. The Council must stand out as a global moral compass and, as a last bastion for the promotion and protection of human rights, it must not be ambushed for political purposes or vested interests. The moment that it compromised its objectivity, impartiality and neutrality, the Council would lose its credibility.

34. Mr. Van Meeuwen said that the political context in the final days of the previous Commission on Human Rights had been extremely bad. The Council preserved the universality of the human rights conventions and established itself in a central position on human rights. It was important to focus on the core task of the Council, being effective on the ground. The universal periodic review delivered results and was a concrete contribution of the Council to improving effectiveness on the ground. The biggest challenge for the

Council was responding to crisis situations. It was also important to keep and develop the role of civil society in the Council and outside. In that regard, what was happening in many places on the ground was of significant concern.

35. Mr. Ndong Ella said it was vital for civil society to continue to play a key role in the Human Rights Council. Civil society had a great impact because it could warn the Council about situations of which the Council was not previously aware. The integrity and safety of civil society had to be upheld. In that regard, the international community often condemned reprisals against and intimidation of civil society representatives. It was important to understand that the Council dealt with violations of human rights in States. However, it was difficult for the Council to address cases in which non-State actors were involved. The Council should reflect on how to address such cases in the future. He asked how a commission of inquiry mandated by the Council could investigate violations committed by Islamic State in Iraq and the Levant. It was also important for the Council to work with regional human rights bodies. He stressed the need for technical assistance, noting that, during his mandate, he had dealt with countries in post-conflict situations, which had had difficulties in accepting the visit of Special Rapporteurs or commissions of inquiry. Instead of taking a confrontational approach, the key was to promote education on human rights and to have a pedagogic approach, stressing technical assistance and cooperation.

36. Ms. de Albuquerque said that she wished that the Council had a traffic-light system signalling green, yellow or red to indicate the degree to which a country implemented human rights recommendations. More attention should be paid to economic, social and cultural rights, including in the context of the universal periodic review, special sessions of the Council and commissions of inquiry, as violations of those rights were often root causes of conflicts. She also called for more space for independent bodies. When Special Rapporteurs interacted with the Council and reported on their country visits, it was important that the voices of civil society would be heard. She expressed support for cooperation with Member States to make sure that human rights were universally implemented. However, she added that, when being confronted with violations of human rights, there were moments when a spade had to be called a spade, in order to trigger action and generate positive impact.

37. Mr. Costea said that the Council should do more to use its comprehensive box of tools to their full potential. The Council should be more confident in itself and in its achievements. He noted the importance of civil society and its role in the Council. He encouraged dialogue and confidence-building measures between civil society organizations and governments at the national and international levels. Effectiveness and prevention were key issues.

38. Ms. Matar said that, while it was correctly noted that the Council was not in a formal review process, the Council could be a learning institution that interrogated its own practices. She concurred that the Council had pervasive selectivity, but expressed concern that too often selectivity was used as an excuse to address fewer countries, rather than more, and a handful of powerful countries and their allies with some of the most critical human rights situations were able to avoid scrutiny. She noted that there were excellent suggestions from the floor on how the Council could circumvent its own political nature, by creating objective criteria and thresholds to guide decision-making processes around which to take action on country situations or thematic issues at any given time. She also addressed the issue of the standards for membership in the Council. In that regard, she called for the improvement of the process for electing members of the Council by encouraging more competition, having Member States articulate clear human rights-centred criteria for their votes, and candidates articulate how they would progressively enhance human rights in their countries and what criteria for cooperation with special procedures and United Nations mechanisms at large they would follow during their membership.

39. Mr. Phuangketkeow shared the concern raised about politicization, but noted that politics would always be a part of the Council simply because it was composed of States. There were different views of human rights and, therefore, mutual respect and dialogue were essential in the Council. The conversations within the Council must also include non-governmental organizations. There was also a need to follow-up on the resolutions and ensure their implementation on the ground. The number of armed conflicts had declined, but their severity and impact on civilians had increased. The Council would be addressing more and more human rights violations in the context of armed conflict. Therefore, it was important to consider the status of the Council, in view of human rights being one of the three pillars of the United Nations. The relationship with the Security Council was also important in that context; although it was a sensitive issue, it should be considered so that the Council could have an impact on the lives of people.

40. Mr. Rücker said that efficiency, effectiveness and New York-Geneva relations were among the solvable problems. Participants in the discussion had made it very clear that effectiveness with regard to the impact on the ground was the most important issue. The Council had tremendous assets in that regard, including the participation of civil society, which must be protected. The universal periodic review was another asset and the process needed to be strengthened and streamlined and to have indicators for the implementation of recommendations. The membership of the Council was a political issue, but civil society provided tools to track what States had promised and how they had performed in the Council, and that should play a role in elections of new Members to the Council. A number of initiatives for improving efficiency could be undertaken within the framework of the institution-building package, including measures to reduce the number of resolutions adopted by the Council. At the next review of the Council, Member States should consider placing the Council on an equal footing with the security and peace pillar and the development pillar by making the Human Rights Council a principal organ in the United Nations system.

41. Mr. Ndong Ella said that more needed to be done to strengthen synergies between Geneva and New York. In that context, issues that had already been addressed in Geneva, such as the issue of reprisals dealt with by the Council in its resolution 24/24, should not be seized by the Third Committee in New York. In that regard, it was particularly important to advance the proposal of making the Council a truly independent body.

42. Ms. de Albuquerque said that States must come forward and support the Office of the High Commissioner with more resources in order to respond to the needs expressed and deliver on human rights education and making the Council more accessible to the public. The Office should work more at the national level, including with national human rights institutions and civil society organizations. In addition, non-governmental organizations and special procedures should be involved in the process of the selection of new mandate holders.

43. Concluding the discussion, the moderator noted that the greatest gift of the Human Rights Council to the world was a Council that stood up unequivocally for the principles of human rights for all, without excluding anyone and for the benefit of all.

United Nations

A/HRC/33/27

General Assembly

Distr.: General
20 July 2016

Original: English

Human Rights Council
Thirty-third session
Items 2 and 3 of the provisional agenda
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Rights of indigenous peoples

Report of the United Nations High Commissioner for Human Rights

Summary

The present report is submitted pursuant to Human Rights Council resolution 30/4. It contains information on relevant developments relating to human rights bodies and mechanisms and outlines the activities undertaken by the Office of the United Nations High Commissioner for Human Rights at headquarters and in the field that contribute to the promotion and full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, and follow-up on the effectiveness of the Declaration. The report covers the period from May 2015 to May 2016.

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I. Introduction

1. In its resolution 30/4 on human rights and indigenous peoples, the Human Rights Council requested the United Nations High Commissioner for Human Rights to continue to submit to it an annual report on the rights of indigenous peoples containing information on relevant developments in human rights bodies and mechanisms. It also requested the High Commissioner to report on activities undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR) at headquarters and in the field that contribute to the promotion of, respect for and full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples.

2. Rather than providing an exhaustive overview of the work of OHCHR on the rights of indigenous peoples, the present report focuses on some illustrative examples of OHCHR activities and initiatives undertaken at headquarters and by field offices that contribute to the full realization of the rights of indigenous peoples. It also outlines recent developments in terms of the work done by United Nations human rights mechanisms on indigenous peoples.

II. Activities of the Office of the United Nations High Commissioner for Human Rights

3. During the period under review, OHCHR continued to work in a wide range of contexts for the promotion and full application of the Declaration. The High Commissioner continued to advocate respect for the rights of indigenous peoples, and indigenous issues figure prominently in the OHCHR Management Plan 2014-2017, including in connection with the key thematic priorities of enhancing equality and combating discrimination.

4. OHCHR remains committed to supporting the work of the Inter-Agency Support Group on Indigenous Peoples' Issues and has been engaged, in particular, in the Inter-Agency's work to support the development of the United Nations system-wide action plan on indigenous peoples — a key recommendation of the 2014 World Conference on Indigenous Peoples. The action plan[1] was launched at the fifteenth session of the Permanent Forum on Indigenous Issues, held from 9 to 20 May 2016, to ensure a coherent United Nations system-wide approach to achieving the ends of Declaration.

5. At the same time, lack of implementation and enforcement continue to hamper the full realization of the rights of indigenous peoples. Shrinking democratic spaces and a development agenda pushed through without consideration for indigenous peoples' right to consultation have often been a source of conflict during the reporting period. Systematic discrimination, lack of indigenous peoples' participation in decision-making, in particular in the context of large-scale projects, extractive industries and legislative processes, the lack of land demarcation and titling, challenges to indigenous peoples in voluntary isolation or in initial contact and increasing violence against indigenous human rights defenders are among the challenges faced by indigenous peoples worldwide.

[1] Available from www2.ohchr.org/english/OHCHRreport2014-2017OMP_Web_version/media.pdf/0_THE_WHOLE_REPORT.pdf.

[2] Available from www.un.org/esa/socdev/unpfii/documents/2016/Docs-updates/SWAP_Indigenous_Peoples_WEB.pdf.

A. Business, extractive industries and human rights

6. Many OHCHR field presences have worked closely with national human rights institutions to build their capacity to address indigenous peoples' human rights. In South Africa, the regional office organized a seminar on business and human rights for community leaders and national human rights institutions of the subregion in partnership with the South African Human Rights Commission. The seminar was held in Johannesburg from 28 to 30 September 2015 and included participants from Madagascar, Malawi, Mozambique, South Africa, Zambia and Zimbabwe. The principle of free, prior and informed consent was discussed and participants shared relevant experiences, placing particular focus on mining activities in their respective countries. The regional office for South America also pursued initiatives, with national human rights institutions in the subregion, with a focus on indigenous peoples and extractive industries.

7. In May 2015, the office in Guatemala held a workshop with the national human rights institution focusing on responses to social conflict in the context of natural resource extraction and development projects. In 2016, the office carried out training sessions on the Guiding Principles on Business and Human Rights to strengthen the capacity of staff members of national human rights institutions.

8. The office in Guatemala provided technical assistance to the Government on implementing the policy on reparations for 33 indigenous communities affected by the construction of the Chixoy hydroelectric project in 1975. In addition, the office provided capacity-building support on the rights of indigenous peoples to staff at the Ministry of Environment and Natural Resources responsible for the development of environmental impact studies.

9. The office in Mexico emphasized the right to consultation in its work on indigenous peoples' rights. It documented three emblematic cases related to the lack of prior consultation (in Sonora and Oaxaca) and sought to engage with relevant counterparts (communities, federal and state level authorities, academics and businesses) to address the situation.

B. Multilateral development banks

10. OHCHR was involved in the ongoing safeguards review of the World Bank and has formally contributed to the second draft of the Bank's environmental and social framework, which included recommendations on the draft standard on indigenous peoples. Furthermore, an OHCHR staff member was temporarily posted to the Inspection Panel of the Bank (an independent accountability mechanism) in April and May 2016 to support the Panel's forthcoming publication on emerging lessons relating to indigenous peoples, drawing from its caseload of 22 years.

11. At the country level, OHCHR worked with the World Bank on two projects, one focusing on land tenure reform in the Democratic Republic of the Congo and one on collective reparations in Colombia. Both projects are being carried out in close consultation with indigenous organizations and in cooperation with the United Nations country teams.

12. The OHCHR office in Cambodia also supported indigenous communities to better assert their rights in the context of an investment project planned by the International Financial Corporation. In addition to building the capacity of project-affected communities, OHCHR was invited to observe the meetings of the tripartite committee composed of the company seeking funding from the International Financial Corporation, indigenous peoples' representatives and local authorities. The role of OHCHR as a third-party broker

helped the parties to engage in good-faith negotiations and to seek solutions to outstanding disputes over indigenous peoples' land and sacred forests.

C. Early-warning mechanisms and monitoring of human rights violations

13. During the reporting period, OHCHR participated in several meetings and activities to identify warning signals linked to specific developments that could trigger unrest and conflict. Early-warning mechanisms related to land-related violence, conflict and human rights in South-East Asia were discussed at a meeting organized by OHCHR in Bangkok. Participants highlighted issues related to indigenous peoples' access to land in Cambodia, Malaysia, the Philippines and Thailand, among other countries.

14. In May 2015, the United Nations joint human rights office in the Democratic Republic of the Congo investigated human rights violations that had been committed during an attack against indigenous Pygmy communities in Nyanza territory, in Katanga Province, and resulted in murders, rapes, abductions and enforced disappearances, and in the extensive destruction of property.

15. The office in Guatemala carried out more than 40 missions between April 2015 and April 2016 to monitor the human rights situation of indigenous agricultural workers, the impact of monoculture activities on the human rights of indigenous peoples and cases of potential or escalating social conflict, including conflicts resulting from extractive industry activities affecting indigenous peoples. Many of the missions were carried out jointly with the national human rights institution.

16. In addition, the office in Guatemala documented numerous cases of irregularities in criminal proceedings against indigenous peoples for acts carried out in the context of hydroelectric and mining projects. Many indigenous human rights defenders continue to be in pretrial detention, accused of crimes of conspiracy, instigation of unlawful association and assembly and crimes for which non-custodial measures are not available, such as kidnapping.

D. Access to justice and strengthening the legal protection of indigenous peoples' rights

17. In 2015, the regional office for South America provided technical support for the development of an online course for the Ecuadorian judiciary on collective rights and indigenous justice. The topics of the online course included: indigenous peoples as rights holders in international law; collective rights in the Constitution; free, prior and informed consent; relevant recommendations from human rights mechanisms; and indigenous customary justice and access to justice. More than 400 judges and prosecutors will be trained in 2016 using this online tool in the provinces with the highest number of indigenous peoples: Pastaza, Cotopaxi, Chimborazo, Tungurahua and Morona.

18. In the Plurinational State of Bolivia, the country office developed a training programme for indigenous leaders on the promotion, protection and implementation of collective rights in accordance with international standards. This was done in collaboration with la Universidad Indígena Boliviana Guaraní in partnership with the German Agency for International Cooperation and with support from the Confederation of Indigenous Peoples of Bolivia. In April 2016, 16 indigenous leaders successfully completed the course, which will be a permanent feature of the university's regular academic programme and will also be included in the curriculum on legal anthropology.

19. The office in Guatemala continued implementing the second phase of its Maya Programme, which seeks to defend, through strategic litigation, the rights of indigenous peoples to communal lands, to culturally appropriate health practices and to cultural and intellectual property. A group of nine lawyers, as well as 10 cadets who provide assistance in legal cases, have been trained on the rights of indigenous peoples through the Maya Programme. Thirteen universities professors also took part in the Programme and will, as a result, include strategic litigation and the rights of indigenous peoples in their university courses.

20. The office in Guatemala carried out an analysis of Constitutional Court jurisprudence related to the rights of indigenous peoples. The results of the analysis demonstrated an increase in cases brought by indigenous peoples to the courts and in favourable judgments issued since the start of the Maya Programme, especially regarding land rights and the right to consultation. The authority of Guatemala has made headway in the investigation of cases of grave human rights violations committed during the internal armed conflict and in related prosecutions.

21. During the reporting period, the Constitutional Court in Guatemala issued several judgments related to the right of indigenous peoples to be consulted about initiatives that affect their rights, including in relation to extractive and other development projects. In its last two judgements related to mining projects, the Court suspended the licences of the companies involved until a consultation process could be carried out with the affected communities.

22. In April 2016, Guatemala launched a national dialogue on natural resources, which was carried out with technical support of the OHCHR office in Guatemala. As part of the national dialogue, a series of regional dialogues have been held with the technical assistance of OHCHR, to gather information on the views held by indigenous peoples, members of civil society and others on the constitutional reform process.

23. In November 2015, the OHCHR regional office for South-East Asia supported the Department of National Parks of Thailand in the implementation of the human rights recommendations of the World Heritage Committee regarding the designation of the Kraeng Krachan Forest Complex as a World Heritage Site of the United Nations Educational, Scientific and Cultural Organization (UNESCO). Upon request of the Government, the regional office reviewed the draft national road map to implement the UNESCO recommendations and provided the Government with comprehensive comments on how to address the concerns of the indigenous community living in the Kraeng Krachan Forest Complex.

F. Land rights and food security

24. Land rights and food security have been high on the agenda of the field offices in Asia, Africa and the Americas. The office in Cambodia continued working with the Ministry of Land Management, Urban Construction and Planning, local governments and civil society organizations to support indigenous peoples' efforts to apply for collective land titles and to provide legal aid to communities that have suffered from land rights violations.

25. OHCHR provided support to several indigenous communities in the process of obtaining collective land titles. Moreover, the office has collaborated with the Ministry of Rural Development and the local authorities of Koh Kong Province on registering the identity of eight indigenous communities of the Areng valley. Through several joint missions to the area, OHCHR has assisted the Ministry and the subnational authorities in developing procedures for the registration of an indigenous identity, facilitated the building

of trust between indigenous peoples and the authorities and raised awareness of indigenous peoples' rights among all stakeholders.

26. The office in Cambodia also conducted training on collective land titles for 30 Charay indigenous families in Pursat Province who are at risk of losing their traditional land as a result of land grabbing. In October 2015, OHCHR started a pilot project to support discussions and negotiations between indigenous Bunong communities from the village of Busra in Mondulkiri Province affected by an economic land concession and the private company to which the land concession had been granted. As of April 2016, compensation agreements have been made concerning one sacred site and clear and time-bound commitments were made by the company to review over 100 pending land claims. The office in Cambodia will soon launch two interactive voice response applications in the Bunong and Kuy indigenous languages containing information about the land law, communal land registration rights and processes, and economic land concessions in Cambodia.

27. The regional office for Southern Africa continued to play an active role in many initiatives related to the promotion of the rights of indigenous peoples. The South African Human Rights Commission held national investigative hearings on human rights violations among Khoisan communities in November and December 2015 and April 2016. The national hearings were convened in several provinces of South Africa on the basis of complaints received by the Commission from various Khoisan communities (Khoi, San, Nama, Griqua and Koranna) regarding access to basic services, land and the constitutionality of indigenous groups in South Africa. The outcome of the hearings will be a report with concrete recommendations and possibly also action plans on the issue.

28. In January 2016, a representative from the regional office for South America spoke at an event on food security and nutrition organized in Peru by the Food and Agriculture Organization of the United Nations (FAO) and the Foro Internacional de Mujeres Indígenas. The event was part of a broader programme jointly promoted by those two organizations targeting indigenous women human rights defenders and human rights activists. The contribution of the regional office focused on the international human rights system from the perspective of indigenous peoples' rights. In 2015, in Argentina, OHCHR responded, together with the United Nations Development Programme, the United Nations Children's Fund, the World Health Organization, FAO and the national human rights institution, to a child malnutrition crisis among the Qom and Wichi people in the Province of Salta and conducted a study to identify the economic, social and cultural factors that contribute to the deaths of indigenous children.

29. In 2015, the office in Guatemala developed, in coordination with the national human rights institution, a methodology to observe the implementation of the Government's strategy to combat malnutrition, including among indigenous peoples, which are among the most affected by malnutrition in the country. As part of that work, OHCHR and the national human rights institution prepared a joint report on the issue that was presented to the Government and civil society representatives. The office continues to follow up on the implementation of the recommendations made in the report. In 2016, the office trained the focal points in the national human rights institution on food security, health, indigenous peoples and labour rights and on the human rights impact of monoculture activities.

F. Climate change and indigenous peoples' rights

30. The twenty-first session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Paris in December 2015, brought together States, the private sector and environmental and human rights organizations.

31. During the session, the Special Rapporteur on the rights of indigenous peoples and the Special Rapporteur on human rights and the environment participated in a press briefing organized by OHCHR. In his statement, the Special Rapporteur on human rights and the environment emphasized that climate change interferes with human rights and that States must ensure that their climate change actions meet their human rights obligations and referred to the OHCHR report entitled "Understanding human rights and climate change" dated 26 November 2015. The Special Rapporteur on the rights of indigenous peoples mentioned the role played by indigenous peoples in the front line of climate change, including their active participation in the twenty-first session of the Conference of the Parties and in Human Rights Council sessions in respect of resolutions that link human rights and climate change.

32. More than 250 indigenous delegates participated in the twenty-first session of the Conference of the Parties and advocated for the inclusion of indigenous peoples' rights in the legally binding Paris Agreement, the preamble to which contains references to the protection of indigenous peoples' rights.

G. Development of national action plans

33. The office in the Plurinational State of Bolivia provided technical assistance for the development of a national action plan on realizing the rights of indigenous peoples, in compliance with the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples (General Assembly resolution 69/2). The office encouraged the Government to develop the plan in consultation with indigenous peoples and with the ongoing involvement of rights holders, and to include in the plan a monitoring strategy for effective implementation. The process was led by the Ministry of Foreign Affairs and involved officials from the Ministry of Development Planning and other parts of the executive branch and indigenous peoples' representatives.

III. Human rights bodies and mechanisms

A. Participation of indigenous peoples in United Nations processes

34. Every year OHCHR undertakes a number of capacity-building activities so that indigenous peoples can improve their knowledge of and participation in United Nations human rights bodies and mechanisms.

35. During the reporting period, 31 indigenous peoples' representatives from Algeria, Botswana, Brazil, Cambodia, Cameroon, Canada, Chile, Colombia, the Democratic Republic of the Congo, Guatemala, Honduras, India, Mexico, Namibia, Nepal, Nicaragua, Norway, Peru, the Philippines, the Russian Federation and the Solomon Islands participated in the annual indigenous fellowship programme, which took place in Geneva in July 2015. Of the participants, 13 were men and 18 were women. For the first time, an indigenous person with a disability also participated in the fellowship programme, which included sessions on the United Nations system and international human rights instruments and mechanisms. The fellows were introduced to issues of particular relevance to indigenous peoples, such as the human rights of indigenous peoples in the context of business and extractive industries, international financial institutions and women's rights. All the fellows attended the eighth session of the Expert Mechanism on the Rights of Indigenous Peoples, at which they organized their own side event on the topic of land management and indigenous peoples. Moreover, three indigenous fellows who attended the training in

Geneva took part in national fellowships with OHCHR country offices in Cambodia, Colombia and the United Republic of Tanzania.

36. OHCHR also organized a senior indigenous fellowship programme over the course of four months to provide on-the-job training. In 2015, the senior indigenous fellow came from Nepal and was involved in the facilitation of events and the preparation of analytical briefs, reports and speeches. She also participated in rigorous training on critical human rights issues and attended the sessions of the Human Rights Council and the Expert Mechanism on the Rights of Indigenous Peoples. She was able to raise awareness of indigenous peoples' issues in Nepal and was a panellist at a side event held during the twenty-ninth session of the Council on the disproportionate amount of violence suffered by indigenous women and girls worldwide. The side event was sponsored by the Permanent Mission of the United States of America to the United Nations Office and other international organizations in Geneva.

37. During the reporting period, the OHCHR regional office for South America and the Ombudsman's Office of Argentina organized capacity-building workshops on international standards and mechanisms for indigenous peoples' leaders in the Provinces of Salta and Jujuy.

38. In addition, 2015 marked the thirtieth anniversary of the United Nations Voluntary Fund for Indigenous Peoples. A series of activities took place on that occasion, including an exhibition during the thirtieth session of the Human Rights Council and the launch of a video[1] showing how instrumental the Fund has been over the years in strengthening the participation of indigenous peoples in decision-making processes at the United Nations, thus contributing to advance the rights of indigenous peoples at the international level.

39. Over the past year, the United Nations Voluntary Fund for Indigenous Peoples continued to support the participation of indigenous peoples' organizations and communities in the sessions of the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, the Human Rights Council and its universal periodic review mechanism, as well as the treaty bodies.

40. In 2015, 98 indigenous peoples' representatives were able to participate in the fourteenth session of the Permanent Forum on Indigenous Issues and the eighth session of the Expert Mechanism on the Rights of Indigenous Peoples, as well as in the sessions of the Human Rights Council, the Working Group on the Universal Periodic Review, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, the Committee on the Rights of Persons with Disabilities, the Committee against Torture and the Committee on the Elimination of Racial Discrimination.

41. So far in 2016, 56 indigenous representatives were selected to attend the fifteenth session of the Permanent Forum on Indigenous Issues and the ninth session of the Expert Mechanism on the Rights of Indigenous Peoples, as well as in sessions of the Human Rights Council, the Working Group on the Universal Periodic Review, the Committee on the Elimination of Racial Discrimination, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child held from January to June.

42. In view of the ever-growing demand for participation in meetings of the human rights mechanisms and considering the positive impact that such participation has in terms of the number of references made to indigenous peoples in international jurisprudence, the

[1] Available at https://vimeo.com/180943562.

Board of the United Nations Voluntary Fund for Indigenous Peoples has recommended that a budget be set aside to support the participation of an additional 38 representatives of indigenous communities and organizations in the sessions of the Human Rights Council, the Working Group on the Universal Periodic Review and the treaty bodies to be held from July 2016 to March 2017.

43. In 2016, the United Nations Voluntary Fund for Indigenous Peoples also supported two extraordinary meetings on the outcome document of the World Conference on Indigenous Peoples, a workshop on the review of the mandate of the Expert Mechanism on the Rights of Indigenous Peoples and the General Assembly consultation process aiming to enhance the participation of indigenous peoples' representatives in United Nations meetings affecting them. In order to support robust participation in these two strategic forums, the members of the Board recommended that an important part of its budget be used to facilitate the attendance of 28 representatives of indigenous peoples in those consultations.

44. Efforts to strengthen the role of the United Nations Voluntary Fund for Indigenous Peoples beyond direct travel support were made, especially to build the capacity of the beneficiaries of the Fund and to contribute to their more effective engagement with human rights mechanisms. Induction courses and human rights training sessions were organized to that end in the framework of the sessions of the Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples and in cooperation with Docip.

45. During the reporting period, the three United Nations mechanisms devoted to the rights of indigenous peoples — the Expert Mechanism on the Rights of Indigenous Peoples, the Special Rapporteur on the rights of indigenous peoples and the Permanent Forum on Indigenous Issues — continued to strengthen cooperation, including by holding coordinating meetings during the session of the Expert Mechanism in July 2015 and the session of the Permanent Forum in May 2016.

B. Expert Mechanism on the Rights of Indigenous Peoples

46. During its eighth session, in July 2015, the Expert Mechanism on the Rights of Indigenous Peoples held a panel discussion on the human rights of indigenous peoples in relation to business enterprises, a discussion on the post-2015 development agenda and indigenous peoples' rights, and a consultation with States and indigenous peoples on the United Nations system-wide action plan to ensure a coherent approach to achieving the ends of the Declaration. The Expert Mechanism finalized and adopted a study on the promotion and protection of the rights of indigenous peoples with respect to their cultural heritage (A/HRC/30/53), including through their participation in political and public life. The study was submitted to the Human Rights Council at its thirtieth session, in September 2015.

47. Also in September 2015, the Human Rights Council adopted resolution 30/11, in which it requested OHCHR to convene a two-day expert workshop open to the participation of States, indigenous peoples and other stakeholders, including by inviting the submission of written contributions, to review the mandate of the Expert Mechanism. The expert workshop, which was held in Geneva on 4 and 5 April 2016, brought together approximately 100 participants, including representatives of States, indigenous peoples and other stakeholders. OHCHR submitted a report on the workshop (A/HRC/32/26) to the Council at its thirty-second session, in June 2016.

48. In February 2016, the Office organized an expert seminar in Montreal, Canada, jointly with McGill University. The main objective of the seminar was to collect

substantive information for the Expert Mechanism's study on the right to health and indigenous peoples.

C. Special Rapporteur on the rights of indigenous peoples

49. The Special Rapporteur on the rights of indigenous peoples carried out various activities in four interrelated areas: the promotion of good practices, country reports, cases of alleged human rights violations, and thematic studies. Within each area, the Special Rapporteur built upon the established working methods generally employed by the special procedure mandate holders of the Human Rights Council to address cases of alleged human rights violations through the communications procedure.

50. With respect to the promotion of good practices, the Special Rapporteur continued to provide technical assistance to Governments in their efforts to develop laws and policies that relate to indigenous peoples. She participated in a meeting organized by the Working Group on Indigenous Populations/Communities in Africa, established by the African Commission on Human and Peoples' Rights, on follow-up to the outcome document of the World Conference on Indigenous Peoples and the twenty-first session of the Conference of the Parties to the United Nations Framework Convention on Climate Change. The Special Rapporteur also delivered the keynote speech at the first session of the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights, which is mandated with elaborating an international legally binding instrument, and took part in a two-day symposium, held at the University of Ottawa, with indigenous women leaders and their allies on the murders and disappearances of indigenous women and girls and to discuss a possible framework and structure for a national inquiry.

51. In February 2016, the Special Rapporteur participated in an international seminar on indigenous jurisdiction and access to justice in Bogota, where she encouraged dialogue and cooperation between indigenous peoples and State authorities on the issue of the administration of justice. In the same month, she participated in a seminar on experiences in the litigation of cases of violence against women and women's access to justice in Central America, specifically in Guatemala, where she spoke of strengthening indigenous women's access to justice and protecting them against violence. In April 2016, the Special Rapporteur participated in an international seminar on the impact of investments agreements on the rights of indigenous peoples with a view to collecting inputs for her next report to the Human Rights Council on bilateral and free trade agreements.

52. The work of the Special Rapporteur on country reports involves investigating and reporting on the overall human rights situation of indigenous peoples in certain countries. During the reporting period, the Special Rapporteur carried out a follow-up visit to examine the situation of Sami indigenous people in Finland, Norway and Sweden (August 2015). In her end-of-mission statement, she expressed concern at the land rights situation of the Sami people given the increased drive to extract and develop minerals and set up renewable energy projects in the Sapmi region. In November 2015, the Special Rapporteur visited Honduras, where she noted that indigenous peoples lacked full recognition and protection and did not enjoy their rights to their ancestral lands, territories and natural resources. In addition, their governance systems were not being strengthened, their institutions were not recognized, they were not allowed to manage their natural resources or make use of their customary justice systems.

53. In March 2016, the Special Rapporteur carried out a follow-up visit to Brazil. In her end-of-mission debrief, the Special Rapporteur noted the lack of progress since the mission of the previous Special Rapporteur in 2008. She noted with particular concern that attacks and killings frequently constituted reprisals in contexts where indigenous peoples

reoccupied ancestral lands after long periods of waiting for demarcation processes to be completed. The Special Rapporteur will present a more in-depth assessment of her country visits at the thirty-third session of the Human Rights Council, in September 2016.

54. The Special Rapporteur has responded on an ongoing basis to specific cases of alleged human rights violations. During the year under review, the Special Rapporteur took action on some 54 cases, including in Australia, Belize, Brazil, Brunei, Canada, Chile, Colombia, Ecuador, Finland, Guatemala, Honduras, India, Indonesia, Japan, Kenya, the Lao People's Democratic Republic, Malaysia, Mexico, New Zealand, Nicaragua, Peru, the Philippines, Singapore, the United Republic of Tanzania, the United States and Viet Nam.

55. The negotiation by the Economic Commission for Latin America and the Caribbean of a regional instrument on the right to access to information, participation and justice in environmental matters (October 2015) triggered a joint statement by several special procedure mandate holders. The Special Rapporteur also cosigned a letter written with special procedure mandate holders and experts from the inter-American human rights system urging the Government of Canada to fully address the root causes of extreme violence and discrimination against indigenous women and girls (February 2016). She also co-signed a number of letters with other special procedure mandate holders, including one welcoming the verdicts for crimes against humanity issued by a Guatemalan court against two former military officials and one calling on the United States to increase its efforts to address environmental threats to human rights, in particular the lead-contaminated water in Flint, Michigan, which had dramatic consequences on the health of the most vulnerable children (March 2016).

56. In relation to thematic studies, the Special Rapporteur submitted her second report to the Human Rights Council in September 2015, her intention being to continue to focus on issues related to the economic, social, cultural and environmental rights of indigenous peoples. Her second report to the Council (A/HRC/30/41) was exclusively devoted to human rights violations relating to indigenous women and girls. In her second report to the General Assembly (A/70/301), she dedicated the thematic section to an analysis of how international investment agreements and investment clauses in free trade regimes affect the rights of indigenous peoples. In the report, the Special Rapporteur addressed a number of areas of concern, related both to direct violations of the rights of indigenous peoples and to the systemic impact of free trade regimes on the lives and communities of indigenous peoples.

D. Treaty bodies

57. During the reporting period, indigenous peoples' rights were mentioned in the recommendations and concluding observations of several treaty bodies.

58. The Human Rights Committee addressed recommendations on issues affecting indigenous peoples to Costa Rica, Namibia, New Zealand, Rwanda, South Africa and Sweden (116th session), Suriname (115th session), and Canada, France and Venezuela (Bolivarian Republic of) (114th session). In its concluding observations, the Committee touched on issues such as discrimination, the rights to self-determination and recognition, the lack of disaggregated data, the loss of languages and culture, and birth registration. Other observations focused on the elevated rates of violence against indigenous women, the gender wage gap, the underrepresentation of indigenous women in decision-making positions and employment opportunities for indigenous women. The Committee also made recommendations related to legal protections and access to remedies, the high incarceration rate, law enforcement and the administration of justice, and the recognition of traditional governance structures. The situation of indigenous peoples' land rights, in particular in respect of resource extraction, land restitution policies and obtaining the free, prior and

informed consent of indigenous peoples on decisions affecting them and their land, was also raised. The Committee included requests for information on indigenous peoples in the list of issues addressed to Bangladesh and Colombia.

59. The Committee on the Elimination of Discrimination against Women considered the reports of Bolivia (Plurinational State of), the Russian Federation, Saint Vincent and the Grenadines and Sweden. In its concluding observations, it highlighted the limited access that indigenous women have to health care, social services and the justice system. In respect of indigenous women, the Committee made recommendations on reducing the elevated rates of poverty, unemployment and gender-based violence, reducing the increased vulnerability to the effects of natural disasters, increasing awareness of rights and the means of ensuring their realization and increasing the participation of women in high-level decision-making positions and in public and political life. The Committee urged States parties to the Convention on the Elimination of All Forms of Discrimination against Women to address trafficking in indigenous women, ensure the rights of indigenous women in the context of harmful customary laws and practices and take measures to realize indigenous women's rights to traditional lands, to a livelihood and to free, prior and informed consent. In addition, the Committee highlighted the need for disaggregated data on indigenous women and adopted general recommendations No. 33 (2015) on women's access to justice, in which States parties' obligations to indigenous women are highlighted, and No. 34 (2016) on the rights of rural women.

60. The Committee on the Elimination of Racial Discrimination considered reports from Colombia, Costa Rica, the Netherlands, Niger, Norway and Suriname (eighty-seventh session), the Holy See and Mongolia (eighty-eighth session), and Rwanda and Spain (eighty-ninth session). The Committee expressed concern over the structural discrimination that many indigenous peoples face, the disproportionate rates of poverty and the barriers to access to culturally appropriate education and health care (especially for nomadic peoples), housing, employment, clean water, the justice system and legal remedy. The Committee recommended that States parties to the International Convention on the Elimination of All Forms of Racial Discrimination take steps to achieve legal recognition of indigenous lands and resources, free, prior and informed consent for any activities that may affect indigenous peoples, and indigenous peoples' right to self-determination. The Committee raised concerns over violence against indigenous peoples, including indigenous women and human rights defenders, political representation, forced displacements, multiple forms of discrimination and the rights of indigenous peoples living in voluntary isolation and initial contact. Furthermore, the Committee urged a number of States parties to consider ratifying the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), and to collect disaggregated data. In addition, the Committee made recommendations to the Netherlands, Norway and Spain in relation to the activities of companies domiciled within their jurisdictions but operating abroad and the negative impacts of those business activities on local indigenous peoples. The Committee also sent a letter of concern to Papua New Guinea under the early warning and urgent action procedures in relation to the alienation of indigenous lands.

61. In May 2016, the OHCHR office in Guatemala provided technical assistance to indigenous women so that they could prepare a shadow report on follow-up to the recommendations of the Committee on the Elimination of Racial Discrimination. The Committee, which had examined Guatemala in April 2015, requested, in its concluding observations, that the Government provide information on the implementation of three recommendations, including one on strengthening the national legal framework with respect to indigenous peoples and one on strengthening the political participation of indigenous peoples (see CERD/C/GTM/CO/14-15, para. 34).

62. The Committee on Economic, Social and Cultural Rights highlighted the disproportionate rates of discrimination, unemployment, poverty and inequality faced by indigenous peoples in its concluding observations on the reports of Burundi, Canada, Chile, Guyana, Kenya, Namibia, Thailand, Uganda and Venezuela (Bolivarian Republic of) (fifty-fifth to fifty-seventh sessions). The Committee recommended that a number of States parties consider ratifying the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), and that they commit to the full implementation of the United Nations Declaration on the Rights of Indigenous Peoples. The Committee also made recommendations on language, education and the preservation of culture; access to health care, education, safe drinking water and sanitation and legal aid; and the disproportionate effect that climate change has on indigenous peoples. In other concluding observations, the Committee focused on free, prior and informed consent, land tenure and resource ownership, and the impact of resource exploitation on indigenous peoples. Furthermore, the Committee raised concerns related to the involvement of indigenous peoples in forced labour, the corruption of village captains in indigenous communities, gender-based violence and the allocation of funds to programmes that support indigenous peoples. The Committee implemented the simplified reporting procedure at its fifty-seventh session and requested information from New Zealand on the Maori and Pasifika people. In addition, the Committee adopted its general comments No. 22 (2016) on the right to sexual and reproductive health and No. 23 (2016) on the right to just and favourable conditions of work. In both general comments, the Committee made reference to indigenous peoples, identifying them as a category of persons to which the right of non-discrimination within each context was particularly relevant.

63. The Committee on the Rights of the Child considered the reports of Bangladesh, Brazil, Chile, Ethiopia, Honduras, Kenya, Mexico, the Netherlands and Peru (sixty-ninth to seventy-first sessions). The Committee highlighted the inadequate allocation of resources for indigenous children, the structural discrimination faced by indigenous children and the high rates of poverty among indigenous children. The Committee recommended that States parties to the Convention on the Rights of the Child address the adverse impacts of resource development projects on indigenous children's health, increase indigenous children's access to health care and sanitation, quality education and other basic social services, and protect indigenous children from harmful cultural practices. Other issues brought up by the Committee include the negative impact of forced evictions on indigenous children, the high rates of suicide among indigenous youth and the increased vulnerability that indigenous children face with respect to violence and human trafficking. The Committee urged States parties to take steps to ensure indigenous children enjoy their right to identity, and to collect disaggregated data. The Committee adopted general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, in which it noted that special measures are required to combat the widespread discrimination, poverty and denial of language and traditions that indigenous adolescents face and in order to ensure that the rights of indigenous adolescents are fully realized.

64. The Committee on the Rights of Persons with Disabilities made recommendations on indigenous peoples with disabilities in its concluding observations on the reports of Brazil, Gabon and Kenya (fourteenth session) and of Chile, Thailand and Uganda (fifteenth session). The Committee highlighted the multiple forms of discrimination, extreme exclusion and extreme poverty faced by many indigenous peoples with disabilities. The Committee urged States parties to the Convention on the Rights of Persons with Disabilities to collect disaggregated data and allocate sufficient resources for indigenous peoples living with disabilities. Moreover, the Committee recommended that States parties make information available in formats that are accessible to persons living with disabilities, including in indigenous languages.

E. Universal periodic review

65. Issues related to indigenous peoples' rights were addressed in a number of recommendations arising from the universal periodic review. During the reporting period, 42 countries were reviewed for the second time during the twenty-second to twenty-fourth sessions of the Working Group on the Universal Periodic Review. Recommendations on indigenous peoples were addressed to Australia, Guyana, Honduras, Jamaica, Kenya, the Lao People's Democratic Republic, Malawi, Myanmar, Nepal, Panama, Rwanda, Sweden and the United States. The recommendations to either ratify or implement the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), and to fully implement the United Nations Declaration on the Rights of Indigenous Peoples were made many times. The following recommendations were also made: to establish national action plans to address issues that disproportionately affect indigenous peoples, such as poverty, illiteracy, low birth registration rates and hate crimes; and to adopt comprehensive anti-discrimination legislation. Other issues that were raised in the context of the universal periodic review were related to indigenous peoples' access to education, especially in their mother tongue, and equal access to health, safe drinking water, justice and political participation. Additional recommendations were made on violence against indigenous women and human rights defenders, the recognition of ancestral land rights and the inclusion of indigenous peoples in decision-making processes. It was recommended that measures be implemented to reduce poverty and social exclusion among indigenous peoples in Honduras; that the protection of the rights of indigenous peoples, including to their ancestors' lands, be effectively strengthened in Kenya; and that indigenous peoples be regularly consulted on matters of interest to them, that indigenous peoples be supported in efforts to enjoy their right to traditionally owned lands and resources and that measures be adopted to effectively protect sacred areas against environmental exploitation and degradation in the United States.

66. OHCHR has often supported efforts to follow up on the recommendations on the rights of indigenous peoples that have been made during the universal periodic review. For example, Mexico has accepted several recommendations that relate to the right of indigenous peoples to prior consultation. To this end, the office in Mexico has provided technical assistance to improve adherence to international standards. Moreover, OHCHR has engaged with a group within the executive branch in the process of drafting a law on prior consultation.

IV. Conclusions

67. **Shrinking democratic spaces and a development agenda pushed through without consideration for indigenous peoples' right to consultation have remained a source of conflict during the reporting period. Systematic discrimination, lack of indigenous peoples' participation in decision-making (in particular in the context of large-scale projects, the extractive industries sector and legislative processes), lack of land demarcation and titling, challenges to indigenous peoples in voluntary isolation and initial contact, and increasing violence against indigenous human rights defenders are among the challenges faced by indigenous peoples worldwide. The rights of indigenous peoples have remained a priority for OHCHR, as demonstrated by its actions at the country and regional levels and by the solid support it has provided to mechanisms of the Human Rights Council and other intergovernmental bodies, as well as to international processes.**

68. During the period under review, OHCHR further expanded its work on advancing the rights of indigenous peoples at the country level, enhanced inter-agency cooperation and engaged more closely with multilateral development entities to produce tools and achieve sustainable results. Much of that work builds on the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, in which States committed themselves to developing national action plans with a view to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples and to strengthening the mandate of the Expert Mechanism. OHCHR will support the development of such action plans, including by preparing a manual and by providing case-by-case advice. OHCHR will continue to support the work of members of the Inter-Agency Support Group on Indigenous Peoples' Issues and others to promote system-wide follow-up to the outcome document.

69. The present report contains information on many achievements at the international level and some successes at the country level. Much remains to be done, however, to fill the gaps in national policies and strategies and to achieve full compliance with the Declaration and the outcome document.

United Nations A/HRC/33/28

General Assembly

Distr.: General
3 August 2016

Original: English

Human Rights Council
Thirty-third session
Agenda items 2 and 3
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Outcome of the panel discussion on the human rights dimensions of preventing and countering violent extremism

Report of the United Nations High Commissioner for Human Rights

Summary

The present report is being submitted pursuant to Human Rights Council resolution 30/15. It provides a summary of the panel discussion on the human rights dimensions of preventing and countering violent extremism held on 17 March 2016, during the thirty-first session of the Council.

GE.16-13357(E)

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I. Introduction

1. The Human Rights Council, in its resolution 30/15, decided to convene a panel at its thirty-first session to discuss the human rights dimensions of preventing and countering violent extremism. The panel discussion was held on 17 March 2016.

2. The panel discussion was chaired by the President of the Human Rights Council and included four panellists:

(a) Nazila Ghanea serves on the Board of Trustees of the Universal Rights Group and is a member of the Panel of Experts on Freedom of Religion or Belief of the Organization for Security and Cooperation in Europe. Associate Professor in International Human Rights Law and Fellow of Kellogg College at the University of Oxford;

(b) Gaston Garatea. Professor at the Pontifical Catholic University of Peru, formerly held the position of Chair of the National Bureau for the Fight against Poverty in Peru and is a former member of the Peruvian Truth and Reconciliation Commission;

(c) Mehreen Farooqi, Senior Fellow with the World Organization for Resource Development and Education, leads research projects that explore the capacity of local civil society organizations to promote peace and counter violent extremism and helps policymakers and communities to support programmes that build resilience against violent extremism;

(d) Ahmed Abbadi is Secretary-General of the Moroccan League of Mohammedan Scholars, Professor at Cadi Ayyad University of Marrakesh, where he teaches comparative history of religions and Islamic thought, and has served as Director of Islamic Affairs at the Ministry of Islamic Affairs of Morocco.

3. Following the introductory statement by the Secretary-General, the Deputy High Commissioner for Human Rights delivered the opening statement. The panel discussion was moderated by the Permanent Representative of Colombia to the United Nations Office and other international organizations in Geneva, Beatriz Londoño Soto. After an initial round of contributions by the panellists, 31 States (some on behalf of a group of countries), two intergovernmental organizations and seven non-governmental organizations (on behalf of a total of 18 non-governmental organizations) contributed to the interactive discussion.

4. In its resolution 30/15, the Human Rights Council requested that the Office of the United Nations High Commissioner for Human Rights prepare a report on the panel discussion in the form of a summary. The present report was prepared pursuant to that request.

II. Opening statements

A. Statement by the Secretary-General

5. In his video message, the Secretary-General welcomed the discussion on the human rights dimensions of preventing and countering violent extremism. He emphasized that human rights abuses by violent extremists constitute direct assaults on the Charter of the United Nations and the Universal Declaration of Human Rights. The Secretary-General

referred to the Plan of Action to Prevent Violent Extremism, in which he stressed that human rights and the rule of law played a central role in preventing and countering violent extremism.

6. The Secretary-General stated that, while there could be no justification for violent extremism, its drivers needed to be examined. A religious and rights-based response addressing discrimination, ensuring good governance and providing access to education, social services and employment opportunities, had to be developed. The Secretary-General noted that such steps could help strengthen trust between State institutions and the people they served. While violent extremist groups were acting with alarming regularity, it was essential for the fight against violent extremism to fully respect human rights.

7. The Secretary-General observed that violent extremism must be addressed as an urgent human rights priority, avoiding the use of sweeping definitions of terrorism or violent extremism that encroached on human rights. He concluded that full respect for human rights and accountability for wrongdoing were essential to heal broken societies and successfully counter the threat posed by violent extremism.

II. Statement by the Deputy High Commissioner for Human Rights

8. In her opening statement, the Deputy High Commissioner noted that the Secretary-General's Plan of Action was rights-affirming, preventive and far-reaching as it focused on the broader factors that underlay localized and groundless violent extremism, sometimes conducive to violent extremism, included real or perceived discrimination and exclusion, political disenfranchisement, youth disempowerment and abuse of power. She recognized the Secretary-General's reminder that no report could disregard the human rights violations exacerbated these conditions. Preventing and countering violent extremism required mobilizing a multitude of actors from a wide range of perspectives and agents, all of such actions firmly grounded in human rights and the rule of law. The Deputy High Commissioner highlighted three core messages for responses to violent extremism that respected and protected human rights were more effective and sustainable: that responses that did not, also equality and non-discrimination were the bedrock of preventing and countering violent extremism; and (c) accountability for human rights violations and abuses was essential for finally ordering solutions to violent extremism.

9. With regard to the need for a human rights-compliant response, the Deputy High Commissioner noted that poor governance, repressive policies and practices that violated human rights constituted the breeding ground for violent extremism. The negative impact of heavy-handed counter-terrorism measures following 11 September 2001 had only widened the rift between communities, deepened distrust and generated a hateful public discourse. One of the key lessons learned was that the selective application of the label "violent extremism" only to Muslims reinforced intolerance and discrimination. She stressed that upholding respect for freedom of religion, belief, opinion and expression was fundamental to the struggle against violent extremism. It was important to safeguard the space in which civil society could voice the concerns of diverse groups and communities and in which people's involvement in decision-making could be facilitated. Any actions and measures to prevent or counter violent extremism must not be allowed to place unnecessary and disproportionate restrictions on the exercise and enjoyment of human rights.

10. The Deputy High Commissioner noted that equality and non-discrimination constituted a strong foundation for preventing and countering violent extremism. Opposite

laws and policies that combat social exclusion or marginalization were essential elements of the effective prevention and countering of violent extremism. Enhancing respect for economic, cultural and social rights by and for everyone on an equal basis was key to immunizing individuals, communities and societies against the rhetoric of violent extremism. Equal and pluralistic participation in all aspects of political and public life was essential to building cohesive societies. Respect for women's human rights and the provision of quality education based on human rights were indispensable in helping to create understanding and mutual respect between communities.

11. Furthermore, the Deputy High Commissioner referred to the Secretary-General's Plan of Action, which underscored that violent extremism must be met with accountability. Accountability measures were not only a matter of legal obligations, but also the very basis on which trust in public institutions, duty bearers and public leaders could be fostered. Counter-let: wise measures that led to human rights violations had been used as a rallying cry by violent extremists in the recruitment of new supporters. Access to justice and remedies was crucial for upholding the dignity of victims of terrorism and violent extremism, both in cases where State or non-State actors had committed the violations or the abuse. In particular, women and girls who had suffered torture, ill-treatment and sexual violence must be provided with redress, including all the support they need.

12. The Deputy High Commissioner welcomed the focus on preventing and countering violent extremism as a shift away from a "security-only" approach. The Secretary-General's Plan of Action gave new impetus to addressing the conditions conducive to the spread of terrorism and to taking measures to ensure respect for human rights for all, as set out in pillars I and IV of the United Nations Global Counter-Terrorism Strategy. In conclusion, she recalled the Secretary-General's words of caution: it was important to avoid vaguely defined definitions of violent extremism that encroached on human rights. The broadening of the notion "violent extremism" to mere "extremism" was potentially destructive, and political opponents or critics of governmental action should not automatically be considered as extremists. The Deputy High Commissioner stressed that words and ideas should not be conflated with actual conduct, and that dissent and debate were essential to human progress.

III. Initial contributions of the panellists

13. The Permanent Representative of Colombia to the United Nations Office and other international organizations in Geneva, who was also the moderator of the panel, opened the panel discussion. She recalled that, in its resolution 30/15, the Human Rights Council had reaffirmed that violent extremism constituted a serious common concern for all States and had noted that while there could be no excuse or justification for violent extremism, abuses and violations of human rights may be among the elements that contributed to creating an environment in which people, especially youth, were vulnerable to the kind of radicalization that leads to violent extremism and recruitment by violent extremists and terrorists.

14. After introducing the first panellist, Ms. Ghanea, the moderator asked her to explain how States and the international community should respond to violent extremism, also in view of the Human Rights Council's reaffirmation of the international obligations of States to promote and protect human rights while preventing and countering violent extremism, as well as the commitment of States to address the conditions conducive to violent extremism.

[1] General Assembly resolution 60/288.

15. Ms. Ghanea referred to Human Rights Council resolution 30/15, in which the Council emphasized that all actions to prevent and counter violent extremism must be in full compliance with international human rights law, refugee law and international humanitarian law. She stressed that those safeguards were crucial because otherwise the very actions aiming at preventing violent extremism would themselves risk fuelling further violent extremism. Positive investments in ensuring full compliance with article 18 of the International Covenant on Civil and Political Rights on freedom of religion or belief could provide a bulwark against violent extremism. The important link between upholding freedom of religion or belief and inoculating against intolerance had already been made in the final document of the international consultative conference on school education in relation to freedom of religion or belief, tolerance and non-discrimination, organized by the Special Rapporteur on freedom of religion or belief and held in Madrid from 23 to 25 November 2001.[1] She also noted that people may be victims of discrimination on the basis of their religion or belief, but that discrimination and violence may also be carried out in the name of religion and thus be based on the religious tenets of the perpetrator.

16. Ms. Ghanea recalled that, in its resolution 16/18, the Human Rights Council had laid out a number of helpful actions such as collaborative projects in the fields of health, conflict prevention, employment, media education, training of government officials and the encouragement of the open, constructive and respectful debate of ideas. In that same resolution, it also stressed the need for non-discrimination, meaningful participation and strong efforts to counter religious profiling. Drawing attention to the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence,[2] Ms. Ghanea described a number of initiatives to counter incitement to hatred that could contribute to preventing and countering violent extremism. In the Rabat Plan of Action, the significance of respecting freedom of expression was recognized and the crucial role of religious and political leaders to act boldly, but firmly and promptly, was emphasized. The three-fold test of legality, proportionality and necessity in respect of restrictions on freedom of expression was also stressed as imperative for preventing and countering violent extremism. Related measures had to be carried out with care and attention because otherwise there was a risk of disproportion and of compromising the work of civil society organizations and communities.

17. Ms. Ghanea concluded that human rights violations could flow from overly broad responses to violent extremism. She recalled that the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism had warned that the elasticity of the term "violent extremism" could have a serious negative impact on many human rights.[3] In his Plan of Action to Prevent Violent Extremism, the Secretary-General had stressed the need for all legislation, policies, strategies and practices adopted to prevent violent extremism to be firmly grounded in the respect for human rights and the rule of law.[4]

18. The moderator then asked the second panellist, Mr. Garatea, in view of his expertise and experience as former Chair of the National Bureau for the Fight against Poverty in Peru, to share his views on how poverty eradication projects could be part of the national strategies to address conditions conducive to violent extremism.

19. Mr. Garatea noted that each party to a conflict had its reasons for taking part in that conflict. The search for a solution at any price was not the best way to solve disputes but

[1] See E/CN.4/2002/73, annex, appendix.
[2] See A/HRC/22/17/Add.4, annex, appendix.
[3] See A/HRC/31/65, para. 54.

rather the parties involved had to seek a solution themselves. Furthermore, those involved in extreme violence knew why they had been marginalized.

20. Mr. Garatea stressed that poverty was, to a large extent, a breeding ground for human rights violations. Therefore, every member of society, at all levels, had to become involved in efforts to eradicate poverty and everyone, including those from the poorest strata of society, had to be given opportunities to be heard. By way of example, Mr. Garatea referred to the forums and inclusive consultations that had been held in Peru since 2000, including at the national, provincial, district and neighbourhood levels. In all those consultations, poverty was the defining characteristic and common issue.

21. Mr. Garatea discussed the steps that had been taken subsequently. Affected communities in Peru had engaged in a series of more than 1,400 public consultations so that they could find solutions. Those decentralized engagements had continued in Peru and were still under way after 16 years.

22. The moderator then referred to resolution 30/15, in which the Human Rights Council stressed the need to address conditions conducive to violent extremism by engaging with all groups of civil society concerned and, in particular, by empowering women and youth. The Council also reaffirmed the important role that education, including human rights education and training, could play in preventing and countering violent extremism. The moderator asked Ms. Farooq to share her views and experience of the role that local civil society organizations could play.

23. Ms. Farooq first identified risk factors, to facilitate the detection of vulnerable individuals, including: sociological conditions (such as social alienation and acculturation difficulties); psychological factors (such as post-traumatic stress and mental illnesses); economic factors (such as unemployment and related deprivation); political grievances (such as the perception that Governments are promulgating discriminatory policies against certain communities); and ideological factors (such as intolerance and the justification of violence to address grievances). These risk factors also indicated that religious ideology alone did not lead to the radicalization of individuals.

24. Ms. Farooq said that her organization, the World Organization for Resource Development and Education, brought together public and private stakeholders to promote safety and social cohesion. Its work was based on the premise that a public that understands the threat of violent extremism and the risk factors of radicalization is better equipped to identify vulnerable individuals and can refer them for an intervention before they engage in violence. The organization has engaged with a wide range of stakeholders forming part of an early warning network and has trained hundreds of local law enforcement officers, educators and faith community members. Special programmes for youth stressed the importance of recognizing when an individual may express support for an extremist organization through social media. By placing communities at the forefront and involving multiple faith communities, programmes to prevent and counter violent extremism could give them ownership of the agenda and also reduce the stigma experienced by a single faith community.

25. In conclusion, Ms. Farooq emphasized the critical role of civil society, including non-governmental organizations, faith-based organizations, religious scholars, educators and social service providers. In her opinion, civil society was best suited to understanding the challenges of communities and could more rapidly mobilize resources to respond to their needs. Civil society entities had to be given the resources to develop their own prevention efforts. In addition, more States had to be encouraged to develop initiatives to counter violent extremism in collaboration with civil society, for example by promoting engagement with religious and tribal leaders and women's associations. Finally, community policing had to be improved worldwide so that trust could be fostered between government

officials, law enforcement and communities. Ms. Farooq argued that a paradigm shift may be required in countries that had historically focused their efforts on security measures rather than on diversion programmes or other crime prevention programmes.

26. The moderator asked the fourth panellist, Mr. Abbadi, to discuss the role that local and religious leaders could play in efforts to prevent and counter violent extremism, and the initiatives that were being taken or could be encouraged in order to foster tolerance and better understanding among all religions, beliefs and cultures.

27. Mr. Abbadi explained that the texts of every religion had to be interpreted in order for the religion to be placed meaningfully in the modern world context. He stressed the importance of capacity-building and of understanding the issues faced by individuals in contemporary society, including youth.

28. Mr. Abbadi noted that Morocco had developed training material to help scholars understand how to reach modern audiences. Scholars trained to interpret religious texts in a contemporary manner could promote non-violence and human rights by adopting a contextualized approach to religious teaching. Mr. Abbadi noted that the preservation of life was one of the main requirements of Islam. Scholars trained to understand the spirit and finalities of religious texts could implement them through concrete actions in favour of human rights. Mr. Abbadi explained that he had worked with children and scholars to promote non-violence and to build their capacity in this regard.

29. In conclusion, Mr. Abbadi warned that violent extremists stood ready to intervene with an ideology of fear and violence if people felt that their dreams or aspirations were not being met. Religious and local leaders had an important role to play in countering that dangerous narrative.

30. After the first round of statements by the panellists, the moderator highlighted the need for States to recognize that preventing and countering violent extremism could lead to human rights violations. She asked the panellists to discuss further how preventing and countering violent extremism could best be reconciled with human rights obligations. Ms. Ghanea agreed that preventing and countering violent extremism opened up a range of actions that could violate human rights. Yet, that risk was present in many other policy measures and the health of civil society was a good indication of whether measures to prevent and counter violent extremism were violating human rights. To play that role, religious and social organizations had to be free to operate without discrimination. Mr. Garatea highlighted the need for education and training to accompany programmes aimed at preventing and countering violent extremism. This was essential to ensure that related measures were effective while protecting and fulfilling human rights.

31. Regarding the Secretary-General's Plan of Action to Prevent Violent Extremism, the moderator acknowledged that violent extremism took a myriad country-specific forms. She asked Ms. Farooq and Mr. Abbadi to discuss steps a State should take when developing for the first time a programme to prevent or counter violent extremism. Ms. Farooq pointed out that some violent extremist groups were sending as many as 40,000 tweets per day. Any direct response on behalf of the State was likely to pale in comparison. Efforts had to focus on community awareness, including community education and civil society collaboration, and it was the State's role to foster such an environment. Research had shown that civil society was already doing a lot in many regions and States did not need to reinvent the wheel but merely bolster those efforts. According to Mr. Abbadi, it was important that States consult human rights organizations when developing programmes to prevent and counter violent extremism. They should also bring in specialized lawyers to frame measures aimed at preventing and countering violent extremism in order to ensure compliance with international law. Finally, States had to develop expertise in communication to create a credible alternative to the narrative of violent extremists.

32. The moderator asked panellists to comment on the appropriate age at which children should be engaged on the subject of violent extremism. Mr. Abbadi believed that such engagement should start early but should not be in the form of a lecture. He added that it was essential to collaborate with leaders in the entertainment industry in order to develop films and games to foster a positive message. Ms. Farooq agreed that it was never too early to engage children. The programmes of the World Organization for Resource Development and Education focused on children as young as 10. Children of that age were already exposed to risk factors, including bullying and intolerance. Many positive values could not be taught, however, and an environment where children could experience such values and learn for themselves had to be cultivated. Ms. Ghanea was also of the opinion that values such as plurality, diversity and respect had to be taught to children at an early age. Encouraging children to connect with diverse communities could give them a sense of purpose, protecting them from feelings of disenfranchisement and injustice. Mr. Garatea concurred and stated that a nurturing, diverse community was a civilizing force for a child and should be encouraged.

IV. Summary of the interactive discussion with stakeholders

33. During the interactive discussion with stakeholders, contributions were made by representatives of the following States on behalf of others: Albania (on behalf of the core group on the resolution on countering violent extremism); Australia (on behalf of Mexico, Indonesia, Republic of Korea and Turkey); Kuwait (on behalf of the Group of Arab States); Morocco (on behalf of the Platform for Human Rights Education and Training); Norway (on behalf of the Nordic countries) and Pakistan (on behalf of the Organization of Islamic Cooperation). The following States also made contributions: Australia, Austria, Bosnia and Herzegovina, Brazil, China, Croatia, Ecuador, Ethiopia, Indonesia, Iran (Islamic Republic of), Kyrgyzstan, Malaysia, Morocco, Nigeria, Pakistan, Qatar, Republic of Korea, Russian Federation, Senegal, Sierra Leone, Singapore, Syrian Arab Republic, Tunisia, Turkey and United States of America. Representatives of the European Union and the Council of Europe also made contributions.

34. In addition, contributions were made by representatives of the following non-governmental organizations: Article 19 (on behalf of the American Civil Liberties Union, CIVICUS — World Alliance for Citizen Participation, the Association for Progressive Communications, the International Center for Not-for-Profit Law, the International Humanist and Ethical Union, Human Rights Watch, the Center for Inquiry, the International Federation of Human Rights Leagues and the Asian Forum for Human Rights and Development), Rencontre africaine pour la defense des droits de l'homme (on behalf of the Women's Federation for World Peace International and Al-Hakim Foundation), Americans for Human Rights and Democracy in Bahrain, Amnesty International, Association Miraisnie International, Global Network for Rights and Development and World Jewish Congress.

A. General observations

35. Most participants expressed support for the Secretary-General's Plan of Action to Prevent Violent Extremism and welcomed the panel discussion. Some called for concerted measures to be taken to prevent and counter violent extremism, including cooperation at the international and regional levels to develop plans built on global experiences. Noting that manifestations of violent extremism differed between regions, however, some States thought that an international plan would be difficult to develop. While many States believed that the United Nations should take the lead at the international level, others argued that

efforts should be handled nationally. One State noted that combating the global threat of terrorism and violent extremism required joint efforts by the entire international community, while respecting the Charter of the United Nations, the principles of equality and sovereignty of States and of non-interference in their internal affairs.

36. It was stressed that measures to prevent and counter violent extremism must strictly adhere to the three-fold test of legality, proportionality and necessity, as outlined in the Rabat Plan of Action. In addition, one State referred to the recommendations made in the Rabat Plan of Action on mobilizing social media, the academic world and civil society to combat intolerance. There was widespread agreement that measures to prevent and counter violent extremism should be focused on human rights and the rule of law and that respect for human rights and efforts to prevent and counter violent extremism were mutually reinforcing. A number of States called for fundamental freedoms, such as freedoms of expression, religion and peaceful assembly, to be respected. Measures to prevent and counter violent extremism had to be developed within the bounds of existing international obligations.

37. Several States expressed concern that human rights defenders, civil society representatives and journalists were often targeted by violent extremists. They called for efforts to be made to protect those individuals. Furthermore, the importance of human rights training and education was highlighted. One State called on the Office of the United Nations High Commissioner for Human Rights to strengthen its relationship with the United Nations Educational, Scientific and Cultural Organization.

38. It was pointed out that States had a responsibility to protect individuals within their territory by addressing the root causes of violent extremism, not just by prosecuting violent extremists. The swift and stern handling of violent acts could send a message of zero tolerance, but a softer approach was also needed to counter the radicalization that led to violent extremism.

B. Calls for a holistic approach

39. There was general agreement that, in order to be successful, policies to prevent and counter violent extremism would require a holistic approach. A "security-only" strategy would fail. Governments, civil society entities, the media and local communities had to come together if conditions conducive to violent extremism were to be addressed. Moreover, a number of government institutions, including the departments of education and public health, had to work in a complementary manner. The different perspectives brought by the panellists demonstrated that collaboration across disciplines was essential. That said, civil society organizations cautioned against measures to counter violent extremism that involved the media because they could also threaten the free flow of information online; those organizations expressed serious concern about blocking access to the Internet, targeting anonymity, weakening encryption and mounting pressure on private companies to be complicit in government censorship and surveillance.

40. The importance of community resilience was raised by a number of States. Civil society was called upon to become more involved in efforts to prevent and counter violent extremism as part of a holistic approach. Several States described how they had engaged community and religious leaders to foster tolerance and mutual respect. Others discussed the role of social services in preventing and countering violent extremism. Civil society participants stressed the need for human rights defenders to be included in the process. In addition, the important role of economic development was emphasized, as was the importance of social justice and harmony. One State referred to the Secretary-General's Plan of Action to Prevent Violent Extremism and the 2030 Agenda for Sustainable

Development" and, in that context, highlighted the need to develop a peaceful society based on good governance.

C. Defining violent extremism

41. There was general agreement that preventing and countering violent extremism were pressing needs. One State stressed that victims of violent extremism deserved justice and that the perpetrators of violent acts had to be held accountable. Some States and civil society organizations expressed concern, however, that the absence of a definition of "violent extremism" could lead to human rights violations and were of the view that reaching agreement on a definition should be the first step. Legislation and policies to prevent and counter violent extremism had already been used to quell political opposition in several regions. Overly broad or vague definitions of what constituted "extremism" or "violent extremism" could provide Governments with a tool of suppression, especially vis-à-vis those who disagreed with State policies or wished to challenge them. The lack of a definition could permit counter-terrorism programming to unduly expand and encroach on civil liberties. There was a need at least for greater delineation between terrorism and violent extremism.

42. States used the term "violent extremism" differently during the discussion, which illustrates the definitional problem. Several delegates used the term interchangeably with terrorism, whereas some characterized it as a root cause of terrorism and others believed that violent extremism could lead to terrorism but only in certain circumstances. Among those States that equated violent extremism with terrorism, one characterized violent extremism in terms of Security Council resolution 2178 (2014). Through that lens, measures to prevent and counter violent extremism were equivalent to those needed to address the conditions conducive to the spread of terrorism outlined in pillar I of the United Nations Global Counter-Terrorism Strategy.

43. States pointed out that the issue of the definition had been raised in a report by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.[7] In an effort to help resolve the tension, some States shared information on the definitions of violent extremism that they used. For example, one State said that it understood violent extremism to be the beliefs and actions of people who support violence to achieve political goals, which sometimes, but not always, included acts of terrorism.

D. Role of human rights in preventing and countering violent extremism

44. Most States emphasized the role of human rights and democracy in preventing and countering violent extremism. Some called upon States to adhere to their obligations under international law. Upholding human rights and preventing and countering violent extremism were mutually reinforcing. One could not be pursued successfully at the expense of the other. The risk of violent extremism was higher in environments where human rights were violated, governance was poor and economic opportunities were lacking. Measures aimed at preventing and countering violent extremism had to be prescribed by law and be proportional and necessary for achieving a legitimate aim. In that regard, the United

[7] General Assembly resolution 70/1.
A/HRC/31/65.

Nations was requested to assess related measures critically against international norms to minimize the risk of human rights violations.

45. Several States discussed the role that human rights education and training should play in preventing and countering violent extremism. Such education and training included instructions on how youth should respond to violent extremism online and how best to rehabilitate and reintegrate violent extremists into society. Some States stressed that education was key and called for the promotion of tolerance and mutual respect to be part of national curricula. It was noted that the Human Rights Council, in its resolution 30/15, had reaffirmed the important role of human rights education and training in preventing and countering violent extremism. Civil society participants called for educational programmes that focused on different religions and cultures as a way to promote tolerance and understanding. It was widely agreed that education should feature prominently in efforts to prevent and counter violent extremism.

46. Several States expressed concern that violent extremists used the Internet to promote hatred and instigate violence. Some States insisted that there should be a response to that threat. Others, however, warned that measures must take into consideration freedom of the press, religion and expression, pointing to the danger that measures to prevent and counter violent extremism could be used to silence dissent and political opposition.

47. A number of stakeholders highlighted the importance of the principle of non-discrimination in the context of preventing and countering violent extremism. According to one State, this required a paradigm shift in countries where security forces had traditionally defended the State or particular groups when they should have protected the fundamental freedoms and rights of everyone equally. As recognized in Human Rights Council resolution 30/15, violent extremism could not and should not be associated with any religion, nationality, civilization or ethnic group. It is a global problem across national borders, taking many forms and affecting multiple countries. Government policies that stigmatized specific groups under the banner of preventing and countering violent extremism were counterproductive. Even well-intended efforts to prevent and counter violent extremism could ultimately alienate communities if broad generalizations were made about its causes.

48. Several States expressed the view that violent extremists sought legitimacy from ideas resulting from marginalization. Tough questions had to be asked to understand the underlying drivers of violent extremism. Perceived injustices and the deprivation of rights were widely considered to serve the growth of violent extremism. In addition, racial or religious profiling should be rejected. Some States called for measures to combat intolerance against Muslims and a civil society participant voiced concern at measures that targeted Muslim communities. Another State urged the integration of youth and women into programmes aimed at preventing and countering violent extremism.

V. Concluding remarks

49. **In her concluding remarks, the moderator reiterated that human rights, the rule of law and democracy were key to addressing the violent extremism affecting many countries around the world. Although acts of violence cause great suffering, States must uphold human rights when engaging in measures to prevent and counter violent extremism. Such initiatives should take into consideration the needs of communities and be tailored to their particular situations rather than be imposed in a top-down manner.**

50. The moderator asked the panellists to comment on whether they regarded "violent extremism" and "terrorism" as identical. While noting that they were close relatives, Mr. Garatea believed that they were not the same because violent extremism often aimed at vengeance and breaking the status quo, whereas terrorism focused on attacking the system as such. Ms. Farooq highlighted the difference between measures to prevent or counter violent extremism and counter-terrorism: the former sought to mitigate the risk factors of radicalization that could lead to violent extremism while the latter focused on stopping individuals once they had been radicalized. Ms. Ghanea thought that efforts to prevent and counter violent extremism needed to continue despite the lack of an accepted definition; a working definition that was human rights-centric would need to emerge, however, and any definition that was taken would have to make a distinction between thoughts and actions, in line with articles 18 and 19 of the International Covenant on Civil and Political Rights. Mr. Abbadi also stressed the distinction between action and thought, stressing the importance for States to distinguish "extremism" from "violent extremism". Furthermore, he emphasized the role of capacity-building and training, including for police, military and security officials, in order to put human rights front and centre in preventing and countering violent extremism.

51. Asked about the best way of protecting the rights of journalists while preventing and countering violent extremism, Ms. Ghanea noted that States had to ensure rights such as freedom of expression and freedom of the press, and secure a framework for the operation of independent media. In addition, States had to offer protection against reprisals and provide redress to those journalists whose rights had been violated.

52. The moderator acknowledged the tendency of violent extremism to be linked with certain groups and religions. Ms. Farooq noted that many people became radicalized owing to political grievances or economic conditions. Yet, even in countries where people were very observant, religion was not necessarily the prime motivator for violent extremism. She stressed that research was needed at the local level to better understand the drivers of radicalization within each specific region.

53. Mr. Abbadi recommended that States focus on human rights education, capacity-building and the training of trainers. Ms. Ghanea agreed with the view expressed by several stakeholders that preventing and countering violent extremism constituted a positive challenge for the international community in terms of creating social cohesion within societies, fostering collaboration between international and national actors and allowing the international community to pay attention not only to the inter-State and State levels but also to the community level. Ms. Farooq urged States to focus on understanding how best to operationalize a rights-centric approach to preventing and countering violent extremism, noting that funding for civil society organizations was limited and needed to be expanded, especially at the grass-roots level. Mr. Garatea highlighted the role of women in preventing and countering violent extremism.

54. Finally, the moderator recalled that the Office of the United Nations High Commissioner for Human Rights would prepare a report on best practices and lessons learned on how protecting and promoting human rights contribute to preventing and countering violent extremism (see A/HRC/33/29).